

DOCUMENT RESUME

ED 041 808

24

SO 000 169

AUTHOR Zimmerman, Paul
TITLE Citizens Behind Barbed Wire: The Japanese Relocation and Democratic Ideals in Total War. Teacher and Student Manuals.
INSTITUTION Amherst Coll., Mass.
SPONS AGENCY Office of Education (DHEW), Washington, D.C.
BUREAU NO BR-5-1071
PUB DATE [69]
CONTRACT OEC-5-10-158
GRANT OEG-0-9-510158-2310
NOTE 93p.

EDRS PRICE MF-\$0.50 HC-\$4.75
DESCRIPTORS *Civil Liberties, Civil Rights, College Bound Students, Democracy, *Democratic Values, Inductive Methods, Instructional Materials, *Japanese Americans, Racism, *Secondary Grades, Social Studies Units, *United States History

IDENTIFIERS War, World War II

ABSTRACT

Focusing on the forcible relocation of West Coast Japanese-American citizens during World War II, the unit poses the question: Can democratic ideals and processes survive the conditions of total war? Some aspects of this episode considered are: public and official reactions to the Pearl Harbor attack; racial antipathies underlying the decision for relocation; and the consequences of relocation not only for those interned, but for all Americans, whose civil rights are threatened by the Constitutional precedents it set. Designed primarily for college-bound students, the unit is also suitable for above-average junior high students. (See SO 000 161 for a listing of related documents.) (Author/SBE)

ED041808

EXPERIMENTAL MATERIAL
SUBJECT TO REVISION
PUBLIC DOMAIN EDITION

U.S. DEPARTMENT OF HEALTH, EDUCATION
& WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED
EXACTLY AS RECEIVED FROM THE PERSON OR
ORGANIZATION ORIGINATING IT. POINTS OF
VIEW OR OPINIONS STATED DO NOT NECES-
SARILY REPRESENT OFFICIAL OFFICE OF EDU-
CATION POSITION OR POLICY.

TEACHER'S MANUAL

CITIZENS BEHIND BARBED WIRE:

THE JAPANESE RELOCATION AND DEMOCRATIC IDEALS IN TOTAL WAR

Paul Zimmerman
Westmoor High School
Daly City, California

This material has been produced
by the
Committee on the Study of History, Amherst, Massachusetts
under contract with the U.S. office of Education
as Cooperative Research Project #H-168

SO 000 169

NOTE TO THE PUBLIC DOMAIN EDITION

This unit was prepared by the Committee on the Study of History, Amherst College, under contract with the United States Office of Education. It is one of a number of units prepared by the Amherst Project, and was designed to be used either in series with other units from the Project or independently, in conjunction with other materials. While the units were geared initially for college-preparatory students at the high school level, experiments with them by the Amherst Project suggest the adaptability of many of them, either wholly or in part, for a considerable range of age and ability levels, as well as in a number of different kinds of courses.

The units have been used experimentally in selected schools throughout the country, in a wide range of teaching/learning situations. The results of those experiments will be incorporated in the Final Report of the Project on Cooperative Research grant H-168, which will be distributed through ERIC.

Except in one respect, the unit reproduced here is the same as the experimental unit prepared and tried out by the Project. The single exception is the removal of excerpted articles which originally appeared elsewhere and are under copyright. While the Project received special permission from authors and publishers to use these materials in its experimental edition, the original copyright remains in force, and the Project cannot put such materials in the public domain. They have been replaced in the present edition by bracketed summaries, and full bibliographical references have been included in order that the reader may find the material in the original.

This unit was initially prepared in the summer of 1967.

Can the democratic process and democratic ideals survive the conditions of total war? Are "Habeas Corpus," equal protection, "due process" and the other protections of individuals rights so painfully evolved over the centuries suitable only for "normal" times, to be jettisoned as luxuries at the first real emergency? Wilson's anguish over the incompatibility of democracy and war (Introduction) is well founded in historical example. The execution of Socrates by the Athenian tyrants in the aftermath of the Peloponnesian disaster illustrates that even that "perfect" democracy could not survive prolonged and total war. The excuse for the Athenians may be that they lost the war, but does it profit a democracy to win a war at the cost of its ideals and beliefs? Is there irony in Wilson's hopes to make the world safe for democracy through war? For a nation in which war and preparation for war has become a way of life, these questions have compelling relevance.

The fate of the democratic process in time of war is the concern of this unit. No better case exists to illustrate how thin the veneer of democracy can be in time of crisis than the episode termed by Justice Murphy "one of the most sweeping deprivations of constitutional rights in the history of this nation." As Supreme Court judges are not usually given to extravagant language, one wonders why the Japanese-American Exclusion from the West Coast during World War II is now almost forgotten.

Unlike the more familiar anti-Germanism of World War I, this episode cannot be dismissed as a temporary aberration of democracy under stress, easily corrected in calmer times, for the Supreme Court has upheld the main features of the exclusion with the result that the episode's far reaching consequences transcend the tragedy of the people directly involved. What could have been written off as a mere military blunder, albeit one of heroic proportions, has instead embedded discrimination in the law of the land and raised serious questions about how, in time of crisis, we limit the power of the military in an allegedly free country. These questions are very much alive for us today. To them there are no easy answers.

If the unit is to accomplish its basic purposes it is important that the question not to become a simple matter of whether the evacuation was right or wrong, wise or unwise. The more profound and difficult questions, which should constantly be kept before the students, are why was the evacuation ordered, and what are the implications of the answer to this question both for American society and American democracy? Subsidiary to these are a number of questions such as the following:

1. How has the episode specifically affected these basic barometers of the health of any democracy: the power of the military over civilians in time of emergency, i.e., the war power "vis a vis" individual rights; basic civil rights and civil liberties; the status of minorities; the meaning of citizenship?
2. What are the implications of this episode for nuclear war with its ever more awesome and terrible weaponry and its more crucial deadlines?

3. What does this experience tell us of the depth of the American commitment to democracy?

An attempt has been made to deal with all the significant aspects of this complex episode from its beginnings in the anti-Orientalism of the West Coast to its "resolution" in the Supreme Court.

Section I presents the reaction in the United States to Pearl Harbor and the victory march of the Japanese.

Part A consists of the notice "Instructions to all Persons of Japanese ancestry" that they should report for evacuation.

Part B covers the reaction of the public on the West Coast and of regional, state and local authorities.

Part C deals with the reactions of various governmental authorities, including excerpts from General DeWitt's report, his attempt to justify the military necessity for the evacuation and detention.

Section II traces the roots of suspicion and distrust -- the creation of the Japanese stereotype that was activated by war.

Section III introduces the people behind the stereotype.

Section IV considers less drastic alternatives to total evacuation and asks if they were available to General DeWitt.

Section V examines the consequences for everyone.

Part A discusses the tragic price exacted from Japanese-Americans.

Part B considers the price yet to be paid by all Americans.

INTRODUCTION

The introduction sets the stage for the evacuation decision, presenting the views of Wilson, F. D. R., and Lincoln. The fears expressed by Wilson as to the effect of war on democracy appear to be well-founded when juxtaposed against the views of F. D. R. and Lincoln, the Commander-in-Chief, concerned primarily with the pragmatic problems of winning the war.

A discussion based on these documents might center on the following abstract questions: Should civil liberties, the rights of individuals and minorities, be tolerated in time of war? Is it possible for democracy to fight an all out war and remain a democracy? Has fifty years of war and preparation for war brutalized our national life and undermined our democracy? How apt is the Lincoln analogy of "life and limb"? Another approach might be to discuss the ideas expressed in the documents in the context of Vietnam protests. Do demonstrations of picketing troops train and supply ships go beyond the limits of democratic tolerance in time of war?

In any case, it is hoped that the discussion will encourage the students to study the questions in a more concrete setting.

SECTION I

REACTION TO PEARL HARBOR AND THE

VICTORY MARCH OF THE JAPANESE

The only document in Part A is an example of the Civilian Exclusion order posted the length of the West Coast between March 24 and May 19, 1942. This order was applicable to American citizens as well as Japanese aliens. It is important that students see its totalitarian nature, despite its matter-of-fact bureaucratic style. (It is surely uncomfortably reminiscent of the "Achtung Juden" order of Hitler's Germany, and with a little re-writing it could just as well have served an Eichmann to dispatch 5,000 Jews to the ovens.)

The students might be asked to engage in some role playing. They could substitute their own race, nationality, religion, or for that matter, even "Hippies" for the Japanese and then attempt to follow the instructions in the order. Considering the time allowed, which of their personal possessions would they take? How would they dispose of their immovable property? An interesting line of questions might deal with the devaluation of the individual (Instructions, Item 5) and of the United States citizenship (Instructions to all Persons of Japanese Ancestry).

Students might well ask what was the crime of the Japanese. Perhaps at this point the only answer is that they were Japanese, unfortunately related racially to the enemy who was threatening the West Coast.

Part B recreates the conditions of fear and suspicion prevailing on the West Coast in early 1942, the context in which the decision to evacuate all Japanese was made. It also provides the basis for the theory that the responsibility for this action could be laid on the doorsteps of pressure groups and politicians. In other words, to the anti-Oriental forces the war offered a golden opportunity to "get the Japs" once and for all. This is perhaps more appropriately discussed at the end of Part C. However, it may arise here, as this evidence presented will enable the students to realize that the nature of the Pearl Harbor Attack and subsequent Japanese victories served to activate and reinforce the stereotype image of the Japanese.

The first three pages could be read at the end of the class period preceding discussion of the section as a whole, as a way of posing the principal question for the action. They reveal dramatically the change occurring in the public's attitude toward Japanese-Americans in the brief period of one month. Students may wonder why a major newspaper such as the San Francisco Chronicle made a complete about-face in three weeks. The students may infer from the documents an organized campaign by special interest groups and politicians, but no conclusive evidence exists establishing a connection between these groups and the action taken by General DeWitt (I,A). It is hoped that students will discover this gap in the evidence.

Students should find the strategy of the agricultural interests worthy of comment. On the one hand, they obviously feared the Japanese as successful competitors, yet on the other hand, as an argument in favor of evacuation, they tended to minimize the importance of the role of the Japanese in California agriculture. With respect to the testimony given by Attorney-General Warren and Mayor Bowron of Los Angeles before the Tolan Committee, was there any way the Japanese could escape being suspected of sabotage and espionage? From the evidence presented, students may begin to speculate as to the reasons for all the distrust and suspicion. The fact that these beliefs about the Japanese were held not only by the uninformed and ignorant, but were shared by sophisticated, informed leaders and opinion makers is worthy of discussion.

Part C invites the students to confront the official reaction to the situation in the early months of war. To a remarkable degree they parallel the reactions of the general public and reflect the same fears as well as the same propensity to pick up unsubstantiated rumor and to be governed by unconscious bias. The officials felt also, of course, the weight of their responsibility, and they were not unaware that their own actions would be judged according to what happened in the future. (While DeWitt carried out his responsibilities, for example, the specter of court martial hung over the heads of the American Military Commanders who had been in charge at Pearl Harbor.)

General DeWitt's report is, of course, the key document of the section. It deserves intensive study. A brief point-by-point critical analysis of it is found in Justice Murphy's dissent to the later Supreme Court decision in regard to cases arising out of the evacuation. (V,B3).

Students might be invited to evaluate this document in light of the situation then prevailing on the West Coast and the information available to the general and to determine whether the decision to evacuate all Japanese appears to have been a reasonable military judgment. Students might consider which of General DeWitt's reasons are primarily military judgments and which are non-military, and they might be asked to analyze his arguments for any evidence of racism.

A second possible line of questions relate to the constitutionality of the decision, a question which is taken up in greater detail in Section VI. A copy of the Bill of Rights and the 14th Amendment might assist students in making a more trenchant analysis.

Students may find the general's devaluation of the whole "Americanization process" a fascinating basis for discussion. Equally intriguing may be an examination of the time-table for evacuation and its relationship to the Battle of Midway, June 6, 1942, which was generally recognized as freeing the West Coast from all danger of invasion. Another possible discussion suggested by the evidence is the obviously different frames of reference brought to the constitutional problem of search and seizure by the Justice Department and by General DeWitt. The threat of vigilanteism as a means of justifying mass protective custody may also provoke discussion. Words such as "deployed" could stimulate students to search out other examples of loaded words, innuendo and possible distortion in the Report and in the Times article by Wallace Carroll (#6,3).

Students will be provoked to raise questions about the report, e.g., was it impossible to separate the loyal from the disloyal? More important, they may be provoked to ask for the information provided in succeeding sections.

The remaining documents in this section might suggest the following questions:

1. Was the general's decision arbitrary and dictatorial, or did he act legally?
2. Why was so little consideration given to this unprecedented act by the civilian heads of the War Department, the President, and Congress?
3. Why was special consideration given to enemy aliens of Italian nationality? Do the students agree with this policy?

On the basis of the evidence provided in Parts B and C, students should be able to advance hypotheses as to who was responsible for the decision, called by one scholar "our worst wartime mistake." While it will defeat the purpose of the unit to make this the central concern, the question of responsibility should legitimately arise at this point, and it is hoped that the students will deal with the question in a sophisticated way.

There is obviously considerable evidence of pressure, from public opinion, economic interests and from politicians. Did the general succumb to pressures? Was he himself a "racist," or would he have been likely to have acted as he did in any event? Generally scholars who have developed theories of responsibility on this subject either emphasize the role of politicians and pressure groups (Grodzins, Americans Betrayed) or, in varying degrees, blame everybody (Ten Broek, Prejudice, War and the Constitution).

It is probably important here, so far as the students' own development is concerned, that they not be allowed simply to cast DeWitt in the villain's role, dismissing the subject accordingly. There are indeed a number of "bad guys" if the issue is to be let go as merely a matter of judgment -- including such customary "good guys" in the liberal pantheon as Stimson, F. D. R., Walter Lippmann, Earl Warren (the Attorney-General of California), and Supreme Court Justices, Stone, Black and Douglas, who supported the decision. But rather than search out villains, it might be more profitable for the student to examine the beam in his own eye. The more important question, in other words, is not who was "right" and who was "wrong," but why men act the way they do in moments of crisis, and what the implication of the answer are for the delicate balances of American society.

SECTION II

THE ROOTS OF SUSPICION

The evidence in this section might suggest to students that the wave of hostility directed toward Japanese Americans after Pearl Harbor had deep historical roots. It helps illuminate "the invisible deadline," "over-playing their hand" and other examples of distrust and suspicion illustrated in Section I.

The main line of questioning here would revolve around the ingredients of the Japanese stereotype. The persistence of memory, distortion, half-truth and myth are also indicated. When this section is compared with Section I, it should also become evident to the students that the variety of anti-Japanese special interest groups and the politicians who fed on racial agitation did not spring into being for the first time as a consequence of Pearl Harbor. The relationship of the "Yellow Peril" aspect of the stereotype to the rise of Japanese power in the Pacific is worthy of comment.

The oblique reference to the Gentlemen's Agreement of 1907 in The Pride of Palomar (#16) which is more a propaganda tract than a novel, could be the basis of a student's report. War with Japan almost resulted from the events leading to the agreement, an illustration of how regional race attitudes have continued to compromise our relations with Asian and African people (see Thomas A. Bailey, Theodore Roosevelt and the Japanese-American Crises). A similar example can be found in the selection on the Hearst movie (#8) which so incensed Wilson. The Japanese Exclusion Act of 1924 almost torpedoed the Washington Naval Disarmament conference.

SECTION III

"ONCE A JAP ALWAYS A JAP?"

This section and the preceding one should be covered in tandem -- the stereotype and the reality. The evidence in this section should enable students to challenge the major assumptions held by General DeWitt and most Americans during World War II in regard to the Japanese people, that you can't make Americans out of "Japs." Thus the main questions here might be: Which forces were contributing to the assimilation of Japanese-Americans and conversely which forces were inhibiting it? Would it have been possible to separate the loyal from the disloyal?

Rather than encountering a "tightly-knit" Japanese community, students should discover the religious rift, the Nisei-Kibei conflict, and the generation gap so characteristic of all immigrant groups. One writer had seen the seeds of disruption go so far that he stated there would not have been any Japanese problems had the war begun ten or fifteen years later.

The chart of age-sex structures of Japanese on the West Coast can provide an excellent springboard for a reconstruction of the history of Japanese immigration to the United States (male sojourners, relative success and picture brides, exclusion). For that matter, the chart could just as well represent any immigrant group.

A number of independent study projects and/or discussions are suggested by the documents in this section. A comparison of the Japanese language schools with parochial schools of the Italians and Germans has fruitful possibilities. It might be noted that Chinese language schools are still flourishing in San Francisco. The study would not only show that the existence of these schools was not evidence of disloyalty per se, but might illuminate the role played by these schools in the Japanese community. A similar study could be made of the Japanese Association and other immigrant mutual aid organizations. A case could be made that the Japanese are infinitely more assimilable than many people of Eastern and South Eastern Europe (e.g., their drive for achievement; the modernization of Japan; their increasing urbanization, etc.). In this connection, the wry yet plaintive comment at the end of the item from the Japanese Association of America (#4) should stimulate discussion.

Another significant line of questioning suggested by the documents is the terrible dilemma which faced the Nisei. They had to "prove their loyalty" by consenting to the abrogation of their constitutional rights as Americans. Would a protest have been a more "American" response or was this, under the circumstances a futile and dangerous alternative?

The permanent alien status of the Issei resulted in any number of difficulties for the United States which might be worth discussing: the significant role of the Japanese Consul in the Japanese-American Community; the endless controversies with Japan over California's treatment of Japanese nationals; and the problems faced by Theodore Roosevelt and Wilson in attempting to pacify both militant Californians and militant Japanese governments.

SECTION IV

WERE THERE LESS DRASTIC ALTERNATIVES?

In this section students are invited to consider whether alternatives to total evacuation were available to General DeWitt. Once again, it will be important to keep the question carefully focused in using these materials: the ultimate task is not to decide whether the evacuation was right or wrong but to try to understand why it occurred, and what the lessons are for our own time. By suggesting alternatives and inviting the student to consider other situations that may or may not have been analogous, the section should at the least lead the student to a more profound and sophisticated analysis of what happened in California.

Several of the documents evidence the effectiveness of the Justice Department's Alien Control Program. Students might be asked whether the procedure of holding individual hearings for Nisei and even Kibei would have been feasible under the circumstances, particularly in view of what many felt to be the urgency of the situation. A reconstruction of the chronology of evacuation might prompt the question as to how urgent the situation really was: it was not until May, more than five months after Pearl Harbor, that the last of the West Coast Japanese had been interned.

The documents pertaining to the Japanese in Hawaii (#9-12), to German and Italian aliens on the East Coast (#13-16), and to the British treatment of enemy aliens (#17-19) should raise a host of questions: Was the difference in the handling of the situation in Hawaii and on the West Coast merely a matter of two different generals, or did it stem from more complicated roots? For example, was the decision perhaps influenced by the extent to which Hawaii had become a genuine melting-pot of races, with those of Japanese descent not only well known to other Hawaiians but an important and functioning part of the society? What are the implications of a possible affirmative answer to this for our treatment of minorities not fused in a melting-pot? Were the Japanese in Hawaii simply too large and important a part of Hawaiian life, economically and/or socially and politically, to do anything about them? If this is the case, the decision not to evacuate was more a matter of necessity than of virtue; in effect the military leaders in Hawaii could be said to have merely been making the best of a bad situation and taking their chances, chances which the military leaders in California did not have to take. Was this the reasoning which prompted no action against German and Italians who had been more successfully fused in the melting-pot? Out of a consideration of such questions might come some recognition of the difficulty of separating "purely military" and political decisions, a difficulty very much with us in thinking about the making of policy in Vietnam.

The experience of the British might also evoke a number of questions. Students might be asked to comment on the observation of the Home Secretary that "A democracy confident of its cause and of itself does not need to use a big stick at home" (#17). At the very least, such a discussion should emphasize the extent to which the question raised by the unit is a continuing one for American society, and, indeed, for any free society.

SECTION V

THE PRICE

This section serves as a springboard for a study of the nature of national loyalty. Nothing in the entire unit is more fascinating than the spectacle of men in concentration camps being asked to affirm their loyalty and to offer their lives to the government which had placed them there and had denied them all other rights.

What are the bases of national loyalty? Are men loyal to the nation out of an inborn sense of patriotism that has no rational basis in their own life-situation? Will men, like Job, remain loyal no matter how badly they have been rejected or how grim the future appears to them? Or is Washington's statement that patriotism had to be supported by "prospect of Interest or some reward" perhaps closer to the truth.

The documents in Part A should make students aware of the terrible price paid by Japanese-Americans as a result of the evacuation decision. If the evacuation were to be viewed as tragic drama, the registration crisis described here would surely be the climax, and the decision of more than 5,000 Nisei to renounce their United States citizenship - some sadly, some bitterly, others defiantly - would be the tragic denouement. Viewed in another way, the drama could be said to have come full circle. Those who had been accused of disloyalty had become "disloyal" and in some prophetic way had vindicated their accusers. Was there ever a better example of self-fulfilling prophecy? Perhaps a note of caution should be sounded about carrying the analogy to tragic drama too far, since the overwhelming majority of the Nisei have made an admirable readjustment to society in the United States.

The documents having to do with registration might lend themselves to role-playing in the hope that students might come to understand better the soul-searching undergone by Nisei and Issei confronted by loyalty questions 27 and 28 (A,6). The incongruity of the situation will probably not be lost on students. Students could be asked why some Nisei found the questions so objectionable ("yes" to question 27 meant being drafted; "yes" to 28 implied assumption that Nisei who had never been to Japan held allegiance to the Japanese Emperor). Issei were placed in an impossible position, for they would have made themselves stateless men by answering "yes" to 28.

Based on their study of Section III, students should be able to determine which Nisei would most likely be loyal or, conversely, disloyal. Another approach, perhaps easier, might be to ask why a Kibei Buddhist from California with an agricultural background would most likely be found among the disloyal, or why a Nisei Christian or secularist from a city in the Northwest would most likely be found among the loyal. Noting that living areas in relocation camps were divided into blocks, is there any evidence as to why there was a block pattern to these loyalty responses? What insights into the nature of national loyalty can the students draw from the evidence in the case studies (A,16)?

What would the students choose to do if loyalty to the nation meant disloyalty to their parents? Since the overwhelming majority of Nisei remained loyal to the United States, did the prospect of emigrating to Japan provide a possible or appealing alternative for most Nisei.

How would students interpret the meaning of the vast difference in the number of those volunteering for the army from Hawaii and the mainland? How would students account for the great fighting record of Japanese Americans?

The documents at the end of Part A (A, 20-23, 25) may recall Wilson's fear about the brutalizing effect of war, or may suggest the indelible nature of stereotypes, or perhaps further evidence of the economic motivation for the evacuation. The public opinion poll of 1946 is a remarkable document, considering that the majority of Japanese were in relocation camps from two to three years and that after 1943 many of them were fighting in Italy and Germany. Is there any evidence which would support the wisdom of the circuit court decision in 1949 which restored citizenship to some of the renunciants? Do the students agree with the decision.

Part B invites students to consider the constitutional consequences of the decision. The over-riding concern is whether there can be any effective legal or constitutional limits to the use of the war power by the military in such situations. Can the courts review military decisions such as General DeWitt's and what principles does it apply? Students might be asked not only what the Court says about this, but what in practice it appears to mean. A careful reading of the decisions should lead students to see how difficult the question is for the courts, and how uncertain is their performance. They are loathe to challenge the judgment of the military about problems of security in time of crisis. There is no trial record: the judges do not have the testimony of witnesses, and the man who makes the decision -- in this case General DeWitt -- is not subject to cross-examination. Finally, and perhaps most importantly, the judges are human beings themselves. However much they may try to avoid it, they are caught up in the passions and fears that beset the society of which they are a part, and the "law" they hand down is apt to reflect this.

In the cases at hand, students will note that the Court established its principles in regard to the case of a curfew (Hirabayashi), and then applied them without change to the more serious question of exclusion (Korematsu). At first glance this might seem illogical. On the other hand, if "protection against espionage and sabotage" is the goal, is the principle not as logically applied in one case as the other? At the point that he sees that this may be the case, the student will understand the nature of the quandry that faced the court.

The principle which the Court established for itself in both cases was that it had the right to determine whether the decision was "reasonable" in view of all the facts and circumstances. But how does the Court determine the facts and circumstances? The Murphy dissent in the Korematsu case should lead students to analyze more closely the majority opinion in Hirabayashi. They may be surprised to see how often the argument rests on such phrases as "generally believed", "there is support for the view," "could have contributed

special significance to," and "findings of the military." Was the Court looking at evidence, or was it merely reflecting popular prejudices of the moment? Would it have made any difference in view of the reluctance of the Justices to challenge the judgment of the military? Students might also be asked about ~~their~~ reaction to Justice Stone's dictum that "in time of war residents having ethnic affiliation with an invading enemy may be a greater source of danger. . . ." Is this really a fact? What happens if one applied this "fact" to the Revolutionary or Civil Wars or, in a larger context, to either World War?

The two dissents themselves might provoke some enlightening discussion. What new test did Murphy add as a basis for the review of military decisions. Would his test put the United States at a disadvantage in time of war, particularly a nuclear war? While Murphy's dissent deals essentially with the pertinent legal questions, Jackson raises the whole question to another level. He argued in effect, that the greatest threat to American liberty is not what the military does, but what the courts may do to the Constitution by way of sanctioning military acts. His fear that judicial sanction of military decisions might establish dangerous precedents would appear to be unarguable, but what are the alternatives? Students might at this point be referred back to the observations by Wilson and Lincoln at the beginning of the unit. Wilson suggests, as does Jackson, that undemocratic precedents growing out of war can slowly undermine a democracy. In effect they are saying that democracy may disintegrate slowly, going from bad precedent to worse, essentially like the progressive deterioration characteristic of certain muscle and nerve diseases. Lincoln, on the other hand, used the analogy of the cutting off of a limb. If constitutional sanction of evacuation is considered to be an amputation from democracy, then democracy has indeed been crippled. In rare cases limbs can be restored, but they seldom function as they did originally. Given fifty years of war, how many amputations can a democracy sustain before it is a basket case without liability and has in fact become a different kind of society? In the case of both analogies, of course, the fundamental question is as to the compatibility of war and democracy. If students see this as the question and have begun to explore some of its implications, the unit should have contributed something to their maturation and growth.

EXPERIMENTAL MATERIAL
SUBJECT TO REVISION
PUBLIC DOMAIN EDITION

ED0 41808

STUDENT'S MANUAL

CITIZENS BEHIND BARBED WIRE:

THE JAPANESE RELOCATION AND DEMOCRATIC IDEALS IN TOTAL WAR

Paul Zimmerman
Westmoor High School
Daly City, California

This material has been produced
by the
Committee on the Study of History, Amherst, Massachusetts
under contract with the U. S. Office of Education
as Cooperative Research Project #H-168

50 000 169

TABLE OF CONTENTS

INTRODUCTION	1
I. REACTION TO PEARL HARBOR AND THE VICTORY MARCH OF THE JAPANESE	5
A. "Instructions to All Persons of Japanese Ancestry"	5
B. Public Reaction on the West Coast	7
C. Reaction of the Governmental Authorities	18
II. THE ROOTS OF SUSPICION	28
III. "ONCE A JAP, ALWAYS A JAP?"	34
IV. WERE THERE LESS DRASTIC ALTERNATIVES?	41
V. THE PRICE	52
A. The Price for the Japanese-Americans	52
B. The Courts and the Constitution: Was it Legal?	63
SUGGESTIONS FOR FURTHER READING	75

INTRODUCTION

AIR RAID, PEARL HARBOR--THIS IS NO DRILL

Admiral Kimmel to Washington

7 December, 1941

A shocked nation that boasted it had never lost a war suddenly found its last line of defense in the Pacific, "impregnable" Pearl Harbor, a shambles of sinking ships and twisted hangars. Rumors of worse destruction than had been officially admitted swept up and down the West Coast, adding to the fear and feelings of helplessness. With the Pacific fleet seriously crippled, the West Coast felt unprotected and defenseless. In this desperate hour, a stunned people turned to its leader, Franklin D. Roosevelt, who so often had spoken to them during the crisis of the depression with his reassuring "my fellow Americans." To the assembled Congress he spoke grimly but confidently, his familiar voice carried on a million radios.¹

To the Congress of the United States:

Yesterday, December 7, 1941--a date which will live in infamy--the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan. . . .

It will be recorded that the distance of Hawaii from Japan makes it obvious that the attack was deliberately planned many days or even weeks ago. During the intervening time the Japanese Government has deliberately sought to deceive the United States by false statements and expressions of hope for continued peace.

The attack yesterday on the Hawaiian Islands has caused severe damage to American naval and military forces. Very many American lives have been lost. In addition American ships have been reported torpedoed on the high seas between San Francisco and Honolulu. . . .

¹Congressional Record, 77th Cong., 1st Sess., 9519-9520.

Always will we remember the character of the onslaught against us. . . .

I believe I interpret the will of the Congress and of the people when I assert that we will not only defend ourselves to the uttermost but will make very certain that this form of treachery shall never endanger us again.

Hostilities exist. There is no blinking at the fact that our people, our territory, and our interests are in grave danger. . . .

FRANKLIN D. ROOSEVELT

The White House, December 8, 1941.

The danger continued grave until June 6, 1942 the date of a great sea battle off the Midway Islands. A chronology of events in the intervening months follows:

- December 13, 1941 - Guam captured; Wake Island falls a few days later
- December 25, 1941 - Hong Kong occupied
- January 2, 1942 - Manila falls
- February 10, 1942 - Singapore, Britain's great Naval base is taken
- February 27, 1942 - Crushing defeat for allied nations in Battle of Java Sea
- March 9, 1942 - Netherlands East Indies, Burma occupied
- April 9, 1942 - Bataan occupied; Corregidor surrenders May 5th, leaving Philippines in Japanese hands
- June 3, 1942 - Alaska port attacked; U.S. territory in continental North America invaded with Japanese occupation on June 7 of Attu and Kiska in the Aleutians
- June 6, 1942 - Battle of Midway, "first decisive defeat suffered by the Japanese navy in 350 years," the end of the threat to the Pacific Coast of the United States

For the next four years the United Nations was involved in a global war unprecedented in its cost both in human life and property. Whole peoples were uprooted in advance of the Nazi terror. Armies of millions faced each other on world wide fronts. Six million Jews were exterminated in the Nazi

holocaust. Aerial destruction that seemed to have reached a peak of horror in the bombing of London and Dresden was later eclipsed by Hiroshima.

In the course of this world wide conflict with its mass migration of people, there occurred an episode that by contrast doesn't seem important. Perhaps, if it had not occurred in a democracy, it would not be any more remembered than the near extermination of the gypsies by Hitler. Until the surprise attack on Pearl Harbor, few Americans had encountered any of the people involved, for they were mostly concentrated on the West Coast where they constituted about 1.5 percent of the population. In the spring of 1942, 110,000 Japanese (70,000 United States citizens and 40,000 aliens denied citizenship) were evacuated from the West Coast to live at Government expense in isolated sand-swept barracks for a period of nearly three years. Their crime: identification, as people of Japanese extraction, with the enemy who had struck the treacherous blow.

The following approaches to the problem by three wartime Presidents who had close and agonizing experiences with winning a war yet maintaining democratic principles and institutions may provide some insight in evaluating the evacuation of the Japanese, why it happened, and its far-reaching consequences for American democracy.

1. An observer reported Woodrow Wilson's views on the problem at the outset of World War I:²

[Wilson said that war required illiberalism and intolerance to reinforce the men at the front. He even thought that the Constitution would not survive the war.]

2. Franklin D. Roosevelt was confronted with the same question in World War II:³

²Ray Stannard Baker, Woodrow Wilson Life and Letters (Doubleday, Doran and Co., Garden City, N.Y., 1937), 506-507. [Footnotes omitted.] (Rachel Baker Napier in behalf of the heirs of Ray Stanford Baker.)

³James Mac Gregor Burns, Roosevelt: The Lion and the Fox (Harcourt, Brace and Co., New York, 1956), 463.

[Roosevelt] applied one test to every policy: "Will it help to win the war?" This test was likely to ignore broader aspects such as the relation between winning the war and defending democracy. A case in point was the Japanese evacuation which seemed a "wise precaution to the military but in the long run was a compromise with the ideals for which the United States was fighting.]

3. Lincoln succinctly articulated the problem:⁴

[Lincoln asked whether it was possible to "lose the nation and yet preserve the Constitution?" He raised the analogy of sacrificing a limb to save a life. The ultimate question which a democratic people must ask is "Which is life and which is limb?"]

⁴Ibid., 463-464.

SECTION I
REACTION TO PEARL HARBOR AND
THE VICTORY MARCH OF THE JAPANESE

The concern of this section is the reaction of the West Coast public, from the man on the street to the public official, to the shock of Pearl Harbor. More specifically, the section focuses on why and how this reaction, directed toward Japanese-Americans, culminated in a military decision of far-reaching consequences.

A. "Instructions to All Persons of Japanese Ancestry"

Between March 24 and May 19, 1942, notices of which the following is an example were posted the length and breadth of the West Coast. (The geographical area spelled out and the dates of assembly varied from area to area.)¹

Western Defense Command And Fourth Army
Wartime Civil Control Administration
Presidio of San Francisco, California

INSTRUCTIONS
TO ALL PERSONS OF
JAPANESE
ANCESTRY

Living in the Following Area:

All of that portion of the County of Alameda, State of California, within that boundary beginning at the point at which the southerly limits of the City of Berkeley meet San Francisco Bay; thence

¹DeWitt Final Report: U.S. Army, Western Defense Command Final Report: Japanese Evacuation From the West Coast, 1942 (Government Printing Office, Washington, 1943), 99-100. Hereinafter cited as DeWitt Final Report.

easterly and following the southerly limits of said city to College Avenue; thence southerly on College Avenue to Broadway; thence southerly on Broadway to the southerly limits of the City of Oakland; thence following the limits of said city westerly and northerly, and following the shoreline of San Francisco Bay to the point of beginning.

Pursuant to the provisions of Civilian Exclusion Order No. 27. . . dated April 30, 1942, all persons of Japanese ancestry, both alien and non-alien, will be evacuated from the above area by 12 o'clock noon, P.W.T., Thursday, May 7, 1942.

No Japanese person living in the above area will be permitted to change residence after 12 o'clock noon, P.W.T., Thursday, April 30, 1942, without obtaining special permission from the representative of the Commanding General, Northern California Sector, at the Civil Control Station located at:

530 Eighteenth Street
Oakland, California.

THE FOLLOWING INSTRUCTIONS MUST BE OBSERVED:

1. A responsible member of each family, preferably the head of the family, or the person in whose name most of the property is held, and each individual living alone, will report to the Civil Control Station to receive further instructions. This must be done between 8:00 A.M. and 5:00 P.M. on Friday, May 1, 1942, or between 8:00 A.M. and 5:00 P.M. on Saturday, May 2, 1942.

2. Evacuees must carry with them on departure for the Assembly Center, the following property:

- (a) Bedding and linens (no mattress) for each member of the family;
- (b) Toilet articles for each member of the family;
- (c) Extra clothing for each member of the family;
- (d) Sufficient knives, forks, spoons, plates, bowls, and cups for each member of the family;
- (e) Essential personal effects for each member of the family.

All items carried will be securely packaged, tied and plainly marked with the name of the owner and numbered in accordance with the name of the owner and numbered in accordance with instructions obtained at the Civil Control Station. The size and number of packages is limited to that which can be carried by the individual or family group.

3. No pets of any kind will be permitted.

4. No personal items and no household goods will be shipped to the Assembly Center.

5. The United States Government through its agencies will provide for the storage at the sole risk of the owner of the more substantial household items, such as iceboxes, washing machines, pianos and other heavy furniture. Cooking utensils and other small items will be accepted for storage if crated, packed and plainly marked with the name and address of the owner. Only one name and address will be used by a given family.

6. Each family, and individual living alone will be furnished transportation to the Assembly Center or will be authorized to travel by private automobile in a supervised group. All instructions pertaining to the movement will be obtained at the Civil Control Station.

Go to the Civil Control Station between the hours of 8:00 A.M. and 5:00 P.M., Friday, May 1, 1942, or between the hours of 8:00 A.M. and 5:00 P.M., Saturday, May 2, 1942, to receive further instructions.

J. L. DeWitt
Lieutenant General, U.S. Army
Commanding

B. Public Reaction on the West Coast

The documents in this part provide a close-up view of the public reaction to military disaster that built up in early 1942 and played a part in the outcasting of 70,000 U.S. citizens. Politicians, radio commentators, columnists, special interest groups, and the general public are all here.

1. An editorial from The San Francisco Chronicle, February 6, 1942:¹

[Hysteria over enemy aliens scarcely exists among the people but is visible exclusively in political and journalistic quarters where some are seeking to capitalize on the supposed excitement of others.]

2. From the editorial page of The Chronicle two weeks later:²

[Of the thousands of Japanese who knew about the plot, not one warned the United States. Therefore, despite personal exceptions, the loyalty of the Japanese Americans is primarily to Japan. In a fight for survival, Civil rights may take a beating for a time.]

²Bradford Smith, Americans From Japan, (J. B. Lippincott Co., Philadelphia and New York, 1948), 267.

³The San Francisco Chronicle, Feb. 21, 1942, 12.

3. Chart of editorials in California newspapers concerning resident Japanese, December 8, 1941 to March 8, 1942:⁴

[The chart showed that on December 8, 1941, there were 31 editorials favorable to resident Japanese as contrasted with 1 unfavorable. By March 8, 1942, however, there were only 2 favorable editorials and 34 unfavorable ones.]

4. The President of the United States felt it necessary to make the following statement:⁵

January 2, 1942

I am deeply concerned over the increasing number of reports of employers discharging workers who happen to be aliens or even foreign-born citizens. This is a very serious matter. . . .

Remember the Nazi technique: "Pit race against race, religion against religion, prejudice against prejudice. Divide and conquer."

We must not let that happen here. We must not forget what we are defending; liberty, decency, justice. We cannot afford the economic waste of services of all loyal and patriotic citizens and noncitizens in defending our land and liberties. . . .

5. The Attorney General added his plea:⁶

War threatens all civil rights; and although we have fought wars before, and our personal freedoms have survived, there have been periods of gross abuse, when hysteria and hate and fear ran high, and when minorities were unlawfully and cruelly abused. Every man who cares about freedom, about government by law--and all freedom is based on fair administration of the law--must fight for it for the other man with whom he disagrees for the right of the minority, for the chance for the underprivileged with the same passion of insistence as he claims for his own rights. If we care about democracy, we must care about it as a reality for others as well as for ourselves; yes, for aliens, for Germans, for Italians, for Japanese, for those who are with us as those who are against us. For the Bill of Rights

⁴Morton Gredzins, Americans Betrayed (University of Chicago Press, Chicago, 1949), 378. (Copyright 1949 by the University of Chicago.)

⁵United States Congress, House of Representatives, 77th Cong., 2nd Sess., National Defense Migration Hearings Before the Select Committee Investigating National Defense Migration (Government Printing Office, Washington, 1942), part 29, 11042. Hereinafter cited as National Defense Migration Hearings.

⁶E. H. Spicer, Impounded People: Japanese Americans in the Relocation Centers (Government Printing Office, Washington, 1946), 9-10.

protects not only American citizens but all human beings who live on our American soil, under our American flag. The rights of the Anglo-Saxons, of Jews, of Catholics, of Negroes, of Slavs, Indians--all are alike before the law. And this we must remember and sustain--that is if we really love justice, and really hate the bayonet and the whip and the gun, and the whole Gestapo method as a way of handling human beings.

6. Two public opinion polls conducted about one month apart:⁷

[In February, 1942, a poll showed that in southern California 75% favored segregation of Japanese aliens while in northern California the figure was 50%. In southern California 33 1/3% also favored segregation of Nisei but in northern California and other coastal states the figure was 14%. By March 28, 93% favored evacuation of Japanese aliens, 59% favored evacuation of Nisei, and 65% favored keeping evacuees under strict guard.]

7. John B. Hughes, whose "News and Views" program was widely carried over the West Coast, was one of the early commentators urging evacuation of the Japanese (January 5 to 20). A sampling of his listener response is given below:⁸

[The sampling, some 7 letters, showed virulent and unreasoning anti-Japanese sentiment.]

8. On January 21, Congressman Leland M. Ford of Santa Monica, California, announced in Washington that he would urge Government officials to move all Japanese, whether native-born or alien, to concentration camps. He was the first of the West Coast Delegation to propose mass evacuation. On February 9th he delivered the following radio address:⁹

⁷Bradford Smith, Americans from Japan, 226; Hadley Cantril, ed. Public Opinion 1935-1946 (Princeton University Press, Princeton, 1951), 381. (From AMERICANS FROM JAPAN by Bradford Smith. Copyright, 1948 by Bradford Smith. Published by J. B. Lippincott Company.)

⁸Listener Letters to John B. Hughes, Radio Commentator (Collection of Letters, Bancroft Library, University of California, Berkeley), Jan-Feb., 1942.

⁹Ruth E. McKee, Wartime Exile, The Exclusion of the Japanese Americans From the West Coast (Government Printing Office, Washington, 1946), 124.

This inland placement and the handling of these people to be so placed, certainly would. . . be an exemplification showing the difference in the way people are handled in a democracy, as against the way they are handled under Axis dictatorship.

These people would be treated with the greatest consideration, kindness, justice, courtesy and humanitarian understanding. They would be well housed, well fed, well clothed, and removed from any of the dangers of war activity whatsoever, with no possibility of being bombed or exposed to shell fire. In other words, they would be safe.

If the loyal Japanese would voluntarily carry out the program as outlined above, they would surely be making some sacrifices, but certainly, this contribution and sacrifice, which I hope they will make voluntarily, is not nearly as great-as the sacrifice and contribution that the man makes who gives his life, or the family makes, who give their closest kin. . . .

9. On January 22, 1942, the Western Growers Protection Association urged Congressman John Z. Anderson to follow the program given below, claiming that ~~the~~ the event of invasion it was "not far-fetched or beyond the realm of possibility" that at least twenty-five thousand Japanese would doff civilian clothing and appear as "full-fledged members of the Japanese armed forces."¹⁰

[The program urged application of severely repressive measures against all Japanese, including prohibiting, under pain of death, all Japanese from a zone extending 300 miles from the Pacific coast; prohibiting "under death penalty" all Japanese from possessing fire arms or ammunition; and freezing the funds and properties of all Japanese.]

10. In late January a famous sports writer, Henry McLemore, who wrote a column for the Heast newspapers, repeatedly argued for the removal of the Japanese:¹¹

[The column is a virulent diatribe agianst the Japanese. The columnist hates all Japanese and favors making one million innocent Japanese "uncomfortable" if it would save the life of one American boy.]

¹⁰Morton Grodzins, Americans Betrayed, 24.

¹¹Henry McLemore, The San Francisco Examiner, Jan. 29, 1941, 9.

11. Walter Lippman's column for February 12, which was written in San Francisco, caused great impact all over the nation:¹²

The Pacific coast is in imminent danger of a combined attack from within and from without. . . . This is a sober statement of the situation, in fact a report based not on speculation but on what is known to have taken place and to be taking place in this area of war. It is the fact that the Japanese navy has been reconnoitering the Pacific coast more or less continually and for a considerable period of time, testing and feeling out the American defenses. It is the fact that communication takes place between the enemy at sea and enemy agents on land. These are facts which we shall ignore or minimize at our peril. It is also the fact that since the outbreak of the Japanese war there has been no important sabotage on the Pacific coast. From what we know about Hawaii and about the fifth column in Europe, this is not, as some have liked to think, a sign that there is nothing to be feared. It is a sign that the blow is well organized and that it is held back until it can be struck with maximum effect. . . . I am sure I understand fully and appreciate thoroughly the unwillingness of Washington to adopt a policy of mass evacuation and internment of all those who are technically enemy aliens. But I submit that Washington is not defining the problem on the Pacific coast correctly. . . . The Pacific coast is officially a combat zone; some part of it may at any moment be a battlefield. Nobody's constitutional rights include the right to reside and do business on a battlefield. And nobody ought to be on a battlefield who has no good reason for being there.

12. Columnist Westbrook Pegler, quickly picked up Lippman, commenting on February 16, that¹³

[Quoting Lippman, Pegler ridicules being considerate of the "minute constitutional rights of resident Japanese."]

13. On February 13 the West Coast Congressional delegation made a recommendation to the President that he order "the immediate evacuation of all persons of Japanese lineage and all others, aliens and citizens

¹²United States Department of Interior, W.R.A. A Story of Human Conservation (Government Printing Office, Washington, 1947), 12-13.

¹³Morton Grodzins, Americans Betrayed, 388.

alike, whose presence shall be deemed dangerous or inimical to the defense of the United States from all strategic area." A Washington correspondent reported:¹⁴

Members of the committee expressed confidence that they will be able to persuade President Roosevelt that the danger of disastrous sabotage operations in vital defense areas is so great that prompt action should be taken.

14. Originating in 1905 as the Japanese and Korean Exclusion League, the California Joint Immigration Committee was vocal in demanding the removal of the Japanese. The Committee, who named the American Legion, the California State Federation of Labor, the California Grange and the Native Sons of the Golden West as sustaining groups, declared:¹⁵

We were largely instrumental in the passage of the 1913 Alien Land Act. . . and . . . instrumental, in 1924, in securing the adoption of the present immigration law which now excludes any Asiatics from a quota, as such as distinguished from the quota of 100 that is accorded to all nations if there are people therein eligible for citizenship.

15. The Select Committee Investigating National Defense Migration, a Committee of the House of Representatives known as the Tolan Committee, inquired into the problems inherent in any impending evacuation of the Japanese. At hearings held in San Francisco on February 21 and 23 Japanese Americans witnesses were repeatedly confronted with statements alleging "sabotage" at Pearl Harbor by resident Japanese:¹⁶

¹⁴Ruth McKee, Wartime Exile, 128.

¹⁵E. H. Spicer, Impounded People, 18.

¹⁶National Defense Migration Hearings, Part 29, 11226.

MR. KUNITANI. . . . Another point I want to bring out is about Pearl Harbor. We hear lots about sabotage at Pearl Harbor.

Mr. Tolan pointed out frequently this morning, and this afternoon- that he heard of Army trucks put in the road. I don't know where Mr. Tolan got that information. I don't know whether that is true or not. I cannot say. I can only go on the Roberts report, which was the only official United States document put out, as to what happened at Pearl Harbor, and why things happened as they did. I think if you gentlemen look into the Roberts report again you will find that no mention was made of sabotage on the part of Japanese-Americans. They pointed out that 200 members operating out of the Japanese consulate were the most active participants in fifth column activities in Hawaii.

I mean to say the average Japanese in California isn't intelligent enough to go about and engage in fifth column activities. The odds are against him. He has an oriental face that can be easily detected.

I am not saying there wasn't any fifth column activity in Pearl Harbor on the part of Japanese, but I don't think there was wholesale fifth column activity on the part of the Japanese-Americans or the aliens in Pearl Harbor. . . .

THE CHAIRMAN. Did you read the report of Secretary Knox about sabotage in Pearl Harbor?

MR. KUNITANI. As I said before, the only report that I could believe, as a citizen, is the official report of the Government, and that was the Roberts report.

I think President Roosevelt said in his press conference the other day, when asked by Pearson, and some of the other reporters, if it were not true that even the Spaniards and Arabs knew about what happened at Pearl Harbor, his answer was, "Complete rot," and he spelled out r-o-t. That is the report I got. . . .

MR. SPARKMAN. The Roberts report did not deny the idea of sabotage and fifth-column activity. It simply didn't mention it.

16. Another reason for evacuation advanced at the Tolan Hearings:¹⁷

Mr. Arnold. Evacuation, if it takes place, will be as much for the protection of the Japanese and other aliens themselves, especially the Japanese?

Mr. Spagnler. I think that is very important, sir, because the American people are somewhat emotional, and it is conceivable that

¹⁷Ibid., 11421.

under the stress and strain of war incidents, that action might not always be controlled. I am speaking of group or mob action. I think it would be distinctly to the advantage of both those who are evacuated and the communities from which they are evacuated.

17. The Attorney-General of California, Earl Warren, testifying before the Tolson Committee:¹⁸

I had together about 10 days ago about 40 district attorneys and about 40 sheriffs in the State to discuss this alien problem. I asked all of them collectively at that time if in their experience any Japanese, whether California-born or Japan-born, had ever given them any information on subversive activities or any disloyalty to this country. The answer was unanimously that no such information had ever been given to them.

Now, that is almost unbelievable. You see, when we deal with the German aliens, when we deal with the Italian aliens, we have many informants who are most anxious to help the local authorities. . . .

18. Mayor Fletcher Bowron of Los Angeles also testified before the Tolson Committee:¹⁹

As I look back on some events after the 7th of December I am quite convinced that there was a large number of the Japanese population here locally who knew what was coming. They were setting themselves, adjusting the scene for the outbreak of war between this country and Japan. I think that they somewhat overplayed their hand. . . .

For approximately a year before December 7 last, representatives of various organizations were very much in evidence. They apparently went out of their way to demonstrate their American patriotism in numerous ways. . . .

19. Earl Warren testified on the "Invisible Deadline":²⁰

ATTORNEY GENERAL WARREN. . . . Unfortunately, however, many of our people and some of our authorities and, I am afraid, many of our people in other parts of the country are of the opinion that because we have had no sabotage and no fifth column activities in this State

¹⁸Ibid., 11015.

¹⁹Ibid., part 31, 11644.

²⁰Ibid., part 29, 11011.

the beginning of the war, that means that none have been planned for us. But I take the view that that is the most ominous sign in our whole situation. It convinces me more than perhaps any other factor that the sabotage that we are to get, the fifth column activities that we are to get, are timed just like Pearl Harbor was timed and just like the invasion of France, and of Denmark, and of Norway, and all those other countries.

I believe that we are just being lulled into a false sense of security and that the only reason we haven't had disaster in California is because it has been timed for a different date, and that when that time comes if we don't do something about it it is going to mean disaster both to California and to our Nation. Our day of reckoning is bound to come in that regard. When, nobody knows, of course, but we are approaching an invisible deadline.

THE CHAIRMAN. On that point, when that came up in our committee hearings there was not a single case of sabotage reported on the Pacific coast, we heard the heads of the Navy and the Army, and they all tell us that the Pacific coast can be attacked. The sabotage would come coincident with that attack, would it not?

ATTORNEY GENERAL WARREN. Exactly.

THE CHAIRMAN. They would be fools to tip their hands now, wouldn't they?

ATTORNEY GENERAL WARREN. Exactly. If there were sporadic sabotage at this time or if there had been for the last 2 months, the people of California or the Federal authorities would be on the alert to such an extent that they could not possibly have any real fifth column activities when the M-day comes.

20. H. L. Strobel, a farmer of Monterey County, California, testified before the Tolan Committee:²¹

MR. STROBEL. Mr. Chairman: I think that a great deal has been said here today regarding the participation of the Japanese in the production of fruits and vegetables. I am primarily interested in dispelling some of the misinformation that has apparently gone throughout the Nation.

Much has been said, that if the Japanese were removed from the California area or from their farming occupations in California, it might result in a serious shortage of necessary vegetables for the rest of the Nation. I think that I can make a statement to the contrary without fear of being contradicted.

²¹ Ibid., 11087.

I believe that the American farmers, or the farmers of California, are entirely capable, and with the land now occupied by Japanese, will produce in just as large a quantity the vegetables that have been formerly produced by the Japanese in our farming areas. I think the rest of the Nation need have no fear as to the amount of vegetables that will come from California. There will be no appreciable lessening of the flow to the eastern markets and to those canning and processing agencies which have formerly carried on their operations with some Japanese production.

21. Typical of the communications submitted to the Tolan Committee was this resolution from Seattle:²²

Resolved, That Seattle Chapter No. 2, Disabled American Veterans of the World War, request of you and your committee the immediate removal of all enemy aliens and American-born Japanese from this community.

Hoping this will meet the approval of your committee, our entire membership wishes to thank you for any consideration you may deem possible.

Sincerely yours,

D. M. Beard, Adjutant.

22. Not all public opinion supported evacuation of the Japanese. Dissenting voices spoke up loudly. The Secretary of the Committee on Fair Play declared:²³

Our citizens of Japanese parentage are just as trustworthy now as they were a few weeks ago when Governor Olson [of California] and other publicists paid tribute to their loyalty and civic devotion. Has the set-back given to the Allied arms by the military machine of Japan made our political leaders in state, county, and municipality play the bully and turn against our Japanese citizens as scapegoats for the remote culprits, in Japan, whom our Japanese-American citizens, have repeatedly denounced?

23. During the Tolan Hearings, Louis Goldblatt, a labor leader, denounced the racialism behind the demand for evacuation:²⁴

²²Ibid., part 30, 11610.

²³E. H. Spicer, Impounded People, 17.

²⁴National Defense Migration Hearings, part 29, 11178-11180.

MR. GOLDBLATT. . . . We naturally go along and concur with all the recommendations that the Government deems necessary to safeguard this territory. We feel, however, that a good deal of this problem has gotten out of hand, Mr. Tolan, inasmuch as both the local and State authorities, instead of becoming bastions of defense, of democracy and justice, joined the wolf pack when the cry came out "Let's get the yellow menace." As a matter of fact, we believe the present situation is a great victory for the yellow press and for the fifth column that is operating in this country, which is attempting to convert this war from a war against the Axis Powers into a war against the "yellow peril." We believe there is a large element of that particular factor in this present situation.

I am referring here particularly to the attack against the native-born Japanese, an attack which, as far as we can find out, was whipped up. There was a basis for it because there has always been a basis on the Pacific coast for suspicion, racial suspicion, which has been well fostered, well bred, particularly by the Hearst newspapers over a period of 20 to 25 years.

24. Testifying at the hearings, Mike J. Masaoka, National Secretary of the Japanese American Citizens League expressed mixed feelings about the impending evacuation of Japanese-Americans:²⁵

If, in the judgment of military and Federal authorities, evacuation of Japanese residents from the West coast is a primary step toward assuring the safety of this Nation, we will have no hesitation in complying with the necessities implicit in that judgment. But, if, on the other hand, such evacuation is primarily a measure whose surface urgency cloaks the desires of political or other pressure groups who want us to leave merely from motives of self-interest, we feel that we have every right to protect and to demand equitable judgment on our merits as American citizens. . . .

25. On February 27 messages from some American Legion chapters in California to members of Congress:²⁶

To John Z. Anderson:

Public sentiment is running very high and will not tolerate the continued inactivity of constituted authority. Better get busy and

²⁵ Ibid., 11137.

²⁶ Ibid., 41.

see that something is done by the Army or you'll have a lot of your constituents in your hair.

To A. J. Elliott

Let me urge you to keep up your activities. . . . So far, General DeWitt has done nothing to protect us since given the authority. . . . Please build a fire under him--it will be the most popular thing you can do during your term of office!

26. Managing Secretary of the Grower-Shipper's Vegetable Association, Mr. Austin Anson, was interviewed by a writer for the Saturday Evening Post:²⁷

[Mr. Anson admitted that his association wanted to get rid of the Japs for selfish reasons" claiming that the white man could not compete with the brown man. He also stated that his association didn't want the Japanese to return after the war.]

C. Reaction of the Governmental Authorities

In contrast to the documents in Part B, which dealt with the reactions of the general public to Pearl Harbor and its aftermath, the following documents deal with the reactions of various governmental authorities. They include the authorization for the Japanese evacuation order, and an explanation by General John L. DeWitt, commanding general on the Pacific coast, as to why he issued the order. As you read DeWitt's statement, you may want to keep in mind that as he acted the two officers who had been in command at Pearl Harbor were facing possible courts martial.

You may find the following terms useful in reading this and subsequent sections:

Issei: first generation Japanese, ineligible for American citizenship

²⁷ Frank I. Taylor, "The People Nobody Wants," Saturday Evening Post, May 9, 1942, 66.

Nisei: people of Japanese extraction born in the United States, and American citizens

Kibei: Nisei who had returned to Japan for part or all of their formal education

1. Congressional reaction to the Pearl Harbor debacle was swift. Representative Young of Ohio spoke angrily on December 8, 1941:²⁸

MR. YOUNG. Mr. Speaker, in the entire history of our Republic no naval defeat equals the magnitude of the disaster suffered by us on December 7 at Pearl Harbor. . . . How many officers and men of the plan carrier Lexington, and the battleships Oklahoma, West Virginia and Pennsylvania were on shore, instead of on their ships, Saturday night and Sunday morning when death and destruction approached? Why, and who is responsible for this? Is it a fact that plane detectors were not manned? Why is it two Jap plane carriers and droves of Jap planes were not detected before they struck? Did naval officers, trained at public expense, fail our people at the very hour for which they were trained? . . . Did not our Army and Navy maintain an air patrol over Hawaii and out at sea? Is this the same Pearl Harbor that American high ranking naval officers have assured us is impregnable--the Gibraltar of the west? Did the Jap aircraft carriers cover a span of ocean 2,750 miles without being detected? If so why was this permitted to occur? . . . Where was our vaunted Navy? Why not let Americans know the truth? Future generations of Americans will recall Pearl Harbor and December 7, 1941, and say that was our black Sunday. Hundreds of years from now, will this disaster be cited as a flagrant example of inattention, carelessness, and failure? If our Republic exists for thousands of years, may young Americans of the future profit by this bitter experience.

2. This article by Wallace Carroll appeared in the New York Times, December 31, 1941. The reports of sabotage and espionage on the part of resident Japanese in Hawaii were later proved to be false.²⁹

[Carroll claimed that an espionage network organized over many years paved the way for Pearl Harbor. Claiming that Secretary of the Navy, Frank Knox, had described the fifth column as the most successful since Norway, Carroll went on to cite numerous instances of sabotage and espionage.]

²⁸Congressional Record, 77th Cong., 1st Sess., Appendix, LXXXVII, 14.

²⁹The New York Times, December 31, 1941

3. Attorney-General Warren testified before the Tolan Committee on February 21 and 23. He stated:³⁰

A wave of organized sabotage in California accompanied by an actual air raid or even by a prolonged black-out could not only be more destructive to life and property but could result in retarding the entire war effort of this Nation far more than the treacherous bombing of Pearl Harbor. . . .

4. At the same time the chairman of the Tolan Committee declared:³¹

It is possible that the entire Pacific Coast may be evacuated. They tell me back in Washington that it is not only possible but probable that the Pacific Coast will be bombed. That has come to me from men who are supposed to know. . . .

5. The reasons why the Western Defense Command thought that military necessity demanded the evacuation of all Japanese residents on the West Coast are set forth in the Final Report of General DeWitt:³²

As already stated, there were many evidences of the successful communication of information to the enemy, information regarding positive knowledge on his part of our installations. The most striking illustrations of this are found in three of the several incidents of enemy attacks on West Coast points.

On February 23, 1942, a hostile submarine shelled Goleta, near Santa Barbara, California, in an attempt to destroy vital oil installations there. On the preceding day the shore battery in position at this point had been withdrawn to be replaced by another. On the succeeding day, when the shelling occurred, it was the only point along the coast where an enemy submarine could have successfully surfaced and fired on a vital installation without coming within the range of coast defense guns.

In the vicinity of Brookings (Mt. Emily), Oregon, an enemy submarine-based plane dropped incendiary bombs in an effort to start forest fires. At that time it was the only section of the Pacific Coast which could have been approached by enemy aircraft without interception by aircraft warning devices.

³⁰ National Defense Migration Hearings, part 29, 11011.

³¹ E. H. Spicer, Impounded People, 16.

³² De Witt Final Report, 18, 33, 8-10, 12-14, 34, 18-19.

Similarly, a precise knowledge of the range of coast defense guns at Astoria, Oregon, was in the possession of the enemy. A hostile submarine surfaced and shelled shore batteries there from the only position at which a surfaced submarine could have approached the coast line close enough to shell a part of its coast defenses without being within the range of the coastal batteries. . . .

Any estimate of the situation indicates that the following are possible and probable enemy activities:

- (a) Naval attack on shipping in coastal waters;
- (b) Naval attack on coastal cities and vital installations;
- (c) Air raids on vital installations, particularly within two hundred miles of the coast;
- (d) Sabotage of vital installations throughout the Western Defense Command.

Hostile Naval and air raids will be assisted by enemy agents signaling from the coastline and the vicinity thereof; and by supplying and otherwise assisting enemy vessels and by sabotage.

The enforcement of contraband provisions was impeded by the fact that many Japanese aliens resided in premises owned by American-born persons of Japanese ancestry. The Department of Justice had agreed to authorize its special field agents of the Federal Bureau of Investigation to undertake spot raids without warrant to determine the possession of arms, cameras and other contraband by Japanese, but only in those premises occupied exclusively by enemy aliens. The search of mixed occupancy premises or dwellings had not been authorized except by warrant only. . . .

In the Monterey area in California a Federal Bureau of Investigation spot raid made about February 12, 1942, found more than 60,000 rounds of ammunition and many rifles, shotguns and maps of all kinds. These raids had not succeeded in arresting the continuance of illicit signaling. Most dwelling places were in mixed occupancy class and could not be searched promptly upon receipt of reports. It became increasingly apparent that adequate security measures could not be taken unless the Federal Government placed itself in a position to deal with the whole problem.

The Pacific Coast had become exposed to attack by enemy successes in the Pacific. The situation in the Pacific theatre had gravely deteriorated. There were hundreds of reports nightly of signal lights visible from the coast, and of intercepts of unidentified radio transmissions. Signaling was often observed at premises which could not be entered without a warrant because of mixed occupancy. The problem required immediate solution. It called for the application of measures not then in being.

Further, the situation was fraught with danger to the Japanese population itself. The combination of spot raids revealing hidden caches of contraband, the attacks on coastwise shipping, the interception of illicit radio transmissions, the nightly observation of visual signal lamps from constantly changing locations, and the success of the enemy offensive in the Pacific, had so aroused the public along the West Coast against the Japanese that it was ready to take matters into its own hands. Press and periodical reports of the public attitudes along the West Coast from December 7, 1941, to the initiation of controlled evacuation clearly reflected the intensity of feeling. Numerous incidents of violence involving Japanese and others occurred; many more were reported but were subsequently either unverified or were found to be cumulative. . . .

More than two-thirds of the total Japanese population on the West Coast were not subject to alien enemy regulations. . . .

Because of the ties of race, the intense feeling of filial piety and the strong bonds of common tradition, culture and customs, this population presented a tightly-knit racial group. It included in excess of 115,000 persons deployed along the Pacific Coast. Whether by design or accident, virtually always their communities were adjacent to very vital shore installations, war plants, etc. While it was believed that some were loyal, it was known that many were not. To complicate the situation no ready means existed for determining the loyal and the disloyal with any degree of safety. It was necessary to face the realities--a positive determination could not have been made.

It could not be established, of course, that the location of thousands of Japanese adjacent to strategic points verified the existence of some vast conspiracy to which all of them were parties. Some of them doubtless resided there through mere coincidence. It seemed equally beyond doubt, however, that the presence of others was not mere coincidence. It was difficult to explain the situation in Santa Barbara County, for example, by coincidence alone.

Throughout the Santa Maria Valley in that County, including the cities of Santa Maria and Guadalupe, every utility, air field, bridge, telephone and power line or other facility of importance was flanked by Japanese. They even surrounded the oil fields in this area. Only a few miles south, however, in the Santa Ynez Valley, lay an area equally as productive agriculturally as the Santa Maria Valley and with lands equally available for purchase and lease, but without any strategic installations whatever. There were no Japanese in the Santa Ynez Valley. . . . In any case. . . the Japanese population of the Pacific Coast was, as a whole, ideally situated with reference to points of strategic importance, to carry into execution a tremendous program of sabotage on a mass scale should any considerable number of them have been inclined to do so. . . .

While this is neither the place nor the time to record in detail significant pro-Japanese activities in the United States, it is pertinent to note some of these in passing. Research has established that there were over 124 separate Japanese organizations along the Pacific Coast engaged, in varying degrees, in common pro-Japanese purposes. This number does not include local branches of parent organizations, of which there were more than 310.

Research and co-ordination of information had made possible the identification of more than 100 parent fascistic or militaristic organizations in Japan which have had some relation, either direct or indirect, with Japanese organizations or individuals in the United States. . . .

That the Japanese associations, as organizations, aided the military campaigns of the Japanese Government is beyond doubt. The contributions of these associations towards the Japanese war effort had been freely published in Japanese newspapers throughout California.

The extent to which Emperor worshipping ceremonies were attended could not have been overlooked. Many articles appearing in issues of Japanese language newspapers gave evidence that these ceremonies had been directed toward the stimulation of "burning patriotism" and "all-out support of the Japanese Asiatic Co-Prosperity Program." . . .

One extremely important obstacle in the path of Americanization of the second-generation Japanese was the widespread formation, and increasing importance, of the Japanese language schools in the United States. The purposes and functions of these Japanese language schools are well known. They employed only those textbooks which had been edited by the Department of Education of the Japanese Imperial Government. . . .

In California alone there were over 248 schools with an aggregate faculty of 454 and a student body of 17,800. . . .

The number of American-born Japanese who had been sent to Japan for education and who were now in the United States could not be overlooked. For more than twenty-five years American-born progeny of alien Japanese had been sent to Japan by their parents for education and indoctrination. There they remained for extended periods, following which they ordinarily returned to the United States. The extent of their influence upon other Nisei Japanese could not be accurately calculated. But it could not be disregarded.

The Kibei Shimin movement was sponsored by the Japanese Association of America. Its objective for many years had been to encourage the return to America from Japan of American-born Japanese. . . .

Of the Kibei in Hawaii, Andrew W. Lind, Professor of Sociology, University of Hawaii, says: "Finally, there is the rather large

Kibei group of the second generation who, although citizens of the United States by virtue of birth within the Territory, are frequently more fanatically Japanese in their disposition than their own parents. Many of these individuals have returned from Japan so recently as to be unable to speak the English language and some are unquestionably dissatisfied by the lack of appreciation manifested for their Japanese education. . . .

It was, perforce, a combination of factors and circumstances with which the Commanding General had to deal. Here was a relatively homogeneous, unassimilated element bearing a close relationship through ties of race, religion, language, custom, and indoctrination to the enemy. . . .

In the war in which we are now engaged racial affinities are not severed by migration. The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become "Americanized," the racial strains are undiluted. To conclude otherwise is to expect that children born of white parents on Japanese soil sever all racial affinity and become loyal Japanese subjects, ready to fight and, if necessary, to die for Japan in a war against the nation of their parents. That Japan is allied with Germany and Italy in this struggle is no ground for assuming that any Japanese, barred from assimilation by convention as he is, though born and raised in the United States, will not turn against this nation when the final test of loyalty comes. It, therefore, follows that along the vital Pacific Coast over 112,000 potential enemies, of Japanese extraction, are at large today. There are indications that these are organized and ready for concerted action at a favorable opportunity. The very fact that no sabotage has taken place to date is a disturbing and confirming indication that such action will be taken.

In summary, the Commanding General was confronted with the Pearl Harbor experience, which involved a positive enemy knowledge of our patrols, our naval dispositions, etc., on the morning of December 7th; with the fact that ships leaving West Coast ports were being intercepted regularly by enemy submarines; and with the fact that an enemy element was in a position to do great damage and substantially to aid the enemy nation. Time was of the essence.

The Commanding General, charged as he was with the mission of providing for the defense of the West Coast, had to take into account these and other military considerations. He had no alternative but to conclude that the Japanese constituted a potentially dangerous element from the viewpoint of military security--that military necessity required their immediate evacuation to the interior. The impelling military necessity had become such that any measure other than those pursued along the Pacific Coast might have been "too little and too late."

6. The following executive order was issued by President Roosevelt, February 19, 1942:³³

Executive Order No. 9066

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE

MILITARY AREA

"Whereas, The successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises and national-defense utilities. . . .

"Now Therefore, By virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restriction the Secretary of War or the appropriate Military Commander may impose in his discretion. . . ."

7. Once the executive order was issued, War Department officials sought Congressional approval to strengthen the constitutionality of the coming evacuation. The bill making it a misdemeanor to disobey an order by a military commander excluding people from restricted zones passed through both houses of Congress in ten days. On March 19 Senator Taft, Ohio, commented on the hastily conceived bill which became Public Law No. 503:³⁴

Mr. President, I think this is probably the "sloppiest" criminal law I have every read or seen anywhere. I certainly think the Senate should not pass it. I do not want to object, because the purpose of it is understood. It does not apply only to the Pacific Coast. It applies anywhere in the United States where there is any possible reason for declaring a military zone. . . .

³³Ibid.,

³⁴Congressional Record, 77th Cong., 2nd Sess., II, 2722.

8. Public Law No. 503, approved March 21, 1942, read as follows:³⁵

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall enter, remain in, leave, or commit any act in any military area or military zone prescribed, under the authority of an Executive order of the President, by the Secretary of War, or by any military commander designated by the Secretary of War, contrary to the restrictions applicable to any such area or zone of contrary to the order of the Secretary of War or any such military commander, shall, if it appears that he knew of should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be guilty of misdemeanor and upon conviction shall be liable to a fine of not to exceed \$5,000 or to imprisonment for not more than one year, or both, for each offense."

9. Secretary of War Henry L. Stimson to General DeWitt, February 20, 1942:³⁶

Commanding General,
Western Defense Command and Fourth Army,
Presidio of San Francisco, California

Dear General DeWitt:

In carrying out your duties under this delegation, I desire, so far as military requirements permit, that you do not disturb, for the time being at least, Italian aliens and persons of Italian lineage except where they are, in your judgment, undesirable or constitute a definite danger to the performance of your mission to defend the West Coast. I ask that you take this action in to Italians for the reason that I consider such persons to be potentially less dangerous, as a whole, than those of other enemy nationalities. Because of the size of the Italian population and the number of troops and facilities which would have to be employed to deal with them, their inclusion in the general plan would greatly overtax our strength. . . .

So far as practicable, fullest advantage should be taken of voluntary exodus of individuals. . . .

10. A few exemptions were made in the evacuation order:³⁷

Early in the evacuation program another problem requiring special consideration was presented. Included among the evacuees

³⁵DeWitt Final Report, 30-31.

³⁶Ibid., 25-26.

³⁷Ibid., 145.

were persons who were only part Japanese, some with as little as one-sixteenth Japanese blood; others who, prior to evacuation, were unaware of their Japanese ancestry; and many who had married Caucasians, Chinese, Filipinos, Negroes, Hawaiians, or Eskimos.

Most of these people were American-born, had been through American schools, had not developed Oriental thought patterns or been subjected to so-called Japanese culture. Because of their Americanization and their awkward social position, life in the Japanese Centers proved a trying and often humiliating experience. . . .

A policy was initiated which provided exemption from evacuation for certain mixed-marriage families and mixed-blood individuals whose background made it reasonably clear that their sympathies were and would remain American. . . .

11. Carey McWilliams describes the amazing case of the Hayward family:³⁸

[Although all nine members of the Haywood family were American born, were married to white Americans, were unable to speak, write, read, or understand Japanese, and had never associated with Japanese, they were all nevertheless subject to the exclusion order because their father was one-fourth Japanese.]

Between March 2, 1942 and March 27, Japanese Americans were allowed to relocate. Those who moved to the eastern part of California thinking they were safe were later also interned. Reaction to voluntary migration to other western states was so hostile that the program was discontinued. Between March 24 and May 19, General DeWitt issued a series of exclusion orders which directed the Japanese to Assembly Centers and then to indefinite detention in relocation centers. On June 27, he issued orders prohibiting evacuees from leaving Assembly Centers or Relocation Centers without military authorization.

³⁸Carey McWilliams, "Moving the West Coast-Japanese," Harper's Magazine, September, 1942, 363.

SECTION II
THE ROOTS OF SUSPICION

The documents in this section come from various time periods before Pearl Harbor. They suggest how some Americans, particularly on the West Coast, viewed the Japanese prior to that dramatic event. As you read them you may want to ask yourself if there seems to have been a stereotyped view of the Japanese that might help explain specific aspects of the reaction to Pearl Harbor, and whether you find in these pre-war attitudes any other roots of that Reaction.

1. The following is from an account of attitudes toward race among the earliest American settlers, who went west to California in the decade of the famous Gold Rush of 1849:¹

[The author claims that anti-foreign feeling in California was intensified by the fact that many of the migrants were from the South or from border states. The large majority were uneducated and held strong racial antipathies, classing all except European whites as being colored.]

2. An episode occurring in the 1880's was recounted by a Japanese American in his book, When I Was a Child:²

[On his first and last visit to the Golden Gate Park the author had epithets and pebbles hurled at him. He soon learned that only domestic work was open to him.]

¹Mary Roberts Coolidge, Chinese Immigration (Henry Holt & Company, New York, 1909), 29.

²J. F. Steiner, Jr., The Japanese Invasion: A Study in the Psychology of Inter-Racial Contacts (A. C. McClurg & Co., Chicago, 1917), 40.

3. The following headlines appeared in the San Francisco Chronicle in 1904-1905:³

[The series of headlines, all strongly anti-Japanese, refer to illegal immigration, couple crime and poverty with Asiatic labor, raise the specter of Japanese being a menace to American women, and cry "Yellow Peril--How Japanese crowd out the white race."]

4. The Asiatic Exclusion League of North America was formed in 1905. The following excerpt is drawn from its Constitution:⁴

[As Asiatic races are unassimilable, the preservation of the Caucasian race depends upon minimizing or preventing immigration of Asiatics. To this end the League was formed to preserve the soil of North America for American people.]

5. In 1905, the California state legislature, by a unanimous vote of both houses, called upon the United States Congress to "limit and diminish the further immigration of Japanese." In support of the request the legislature submitted a ten-point bill of particulars from which the following are excerpted:⁵

[Japanese are undesirable and unassimilable. They are transients who will crowd the state with immoral men who labor for a pittance, able to live on a level below that of white men.]

6. The following billboard was displayed in the San Francisco Bay area in 1906:⁶

³Roger Daniels, The Politics of Prejudice (University of California Press, Berkeley, 1962), 25.

⁴Eliot G. Mears, Resident Orientals on the American Pacific Coast (University of Chicago Press, Chicago, 1928), 435. (Copyright 1928 by the University of Chicago.)

⁵Roger Daniels, The Politics of Prejudice, 27.

⁶Dorothy Swaine Thomas, The Salvage (University of California Press, Berkeley, 1952), 31.

[Danger! Yellow competition will orientalize our city and state.]

7. In 1908 Richard Pearson Hobson, congressman from Alabama and a naval hero of the Spanish American War, commented ecstatically--and at the same time apprehensively--on a round-the-world cruise of the American battle fleet:⁷

[If we don't build up our Navy, a yellow race will control the Pacific Ocean and the high seas.]

8. Roger Daniels, in a recent book entitled The Politics of Prejudice recounts the following incident:⁸

[In 1916 part of the Hearst empire produced a motion picture entitled "Patria" which showed an attempt by Japan to conquer the United States with the aid of Mexico. It showed Japanese troops invading California and committing atrocities. Having viewed the film, President Wilson exerted pressure for severe editing, which resulted in making Mexico the villain. Although the troops had Mexican names, they were still wearing Japanese uniforms.]

9. One stanza from a "hymn of Hate" which appeared in the New York American of July 23, 1916:⁹

[Listen, Uncle Sam! While the Japs smile, they're working to steal our California. Watch Togo, for we've found we can't trust the Japs!]

10. "Keep California White" was a safe issue for any ambitious politician in the California of the period 1900-1924. In 1910 an exclusion plank appeared in the platforms of the three leading parties:¹⁰

⁷San Francisco Examiner, May 7, 1908, as quoted in Roger Daniels, The Politics of Prejudice, 71. [Footnote omitted.]

⁸Ibid., 76.

⁹Carey McWilliams, Prejudice Japanese Americans: Symbol of Racial Intolerance (Little, Brown and Company, Boston, 1944), 53.

¹⁰Edward K. Strong, The Second-Generation Japanese Problem (Stanford University Press, Stanford, 1934), 252.

[Republican:

We urge adoption of necessary measures to prevent further admission of oriental laborers.

Democratic:

We urge exclusion of all Asiatic labor and adoption of a bill preventing those ineligible for citizenship from owning land in California.

Socialist:

We favor exclusion of strike breakers, contract laborers, and mass immigration of oriental laborers.]

11. The following article appeared in the Sacramento Bee, May 1, 1913:¹¹

[The article showed how a flourishing town had been taken over by Japanese who at that time constituted 3/4 of the population. The author quoted the one remaining white owner of a store as saying that, without legislation against the yellow peril, the Japanese would drive the American people away from the soil and would control the rich agricultural industry of the west.]

12. The enactment of anti-alien land laws in California in 1918 and 1920 were followed by adoption of a similar law in the state of Washington. More rigid enforcement of this law in Washington unquestionably contributed to the greater urbanization of Washington's Japanese. From the Tacoma Times, March 3, 1921:¹²

[The article lauded the adoption of an Anti-Jap Land Law which would "go a long way to keep this a white man's country." It gave most of the credit for passing this law to the veterans in the state.]

13. The California Joint Immigration Committee played a large part in effecting the passage of the Immigration Act of 1924 which effectively excluded the Japanese from immigration. In 1928 a student of the Japanese on the West Coast commented:¹³

¹¹As quoted in Sidney Gulick, The Japanese-American Problem (C. Scribner's Sons, New York, 1914), 77-80. (THE JAPANESE AMERICAN PROBLEM by Sidney Gulick, Charles Scribner's Sons, (1914).)

¹²Elliot G. Mears, Resident Orientals, 493.

¹³Ibid., 56, 57.

[The article named the Committee's Executive Secretary as the driving force which had been largely responsible for the enactment of legislation against the Japanese since World War I. McClatchy was formerly owner and editor of the Sacramento Bee.]

14. For 50 years there were few issues of the "Grizzly Bear" publication of the Native Sons of the Golden West which did not carry anti-Japanese articles and editorials. From the issues for January and June, 1920:¹⁴

[Under the title "Japagraphs", one item cried "Hurrah" for Mrs. Baldwin who expelled 50 Jap families from farming her land.

Another item pointed to the birth rate of the Japanese-Americans where during a 3 year period 51 Jap women gave birth to 97 children

The headlines over a third item called for eliminating the Japs as California landholders.]

15. The "Swat the Jap" campaign of the early twenties produced the following leaflet:¹⁵

[We have stood for your working on our lawns and in our truck gardens and for your sending your children to our public schools, but we won't stand for your building a church. You have imposed on us enough. Get busy, Japs, and get out of Hollywood.]

16. From a widely sold novel of the early twenties, The Pride of Palomar, which also ran serially in a popular magazine:¹⁶

[In the first excerpt, the young Eastern lady listens to her California escort reiterate many of the familiar arguments against the Japanese.

In the second excerpt, the Eastern lady is introduced to the school teacher who complains that after attending her classes the Japanese children go to a Buddhist school which teaches them to become Japanese citizens.]

¹⁴The Grizzly Bear (Official Publication of the Native Sons of the Golden West), January, 1920, June, 1920.

¹⁵Quoted in Roger Daniels, The Politics of Prejudice, 97.

¹⁶Peter B. Kyme, The Pride of Palomar (Grosset and Dunlap, New York, 1921), 38, 41, 312-315. (From THE PRIDE OF PALOMAR by Peter B. Kyme. Copyright 1921, 1949, by Peter B. Kyme.) Rev

17. A survey published in 1926 presented a social distance scale showing to what degree of intimacy Nordic Americans were willing to admit people of various ethnic or national backgrounds:¹⁷

[The graph showed that of twelve ethnic or national backgrounds (English, Canadians, French, Danes, Germans, Czecho-Slovaks, Armenians, Bulgarians, Negroes, Chinese, Japanese and Turks) only the Turks would be kept at greater arms length than the Japanese.]

¹⁷Emory Bogardus, "Social Distance: A Measuring Stick," Survey Magazine, LVI, 3 (May 1, 1926), 170.

SECTION III

"ONCE A JAP, ALWAYS A JAP?"

"You can't tell them apart" was a prevailing belief about Orientals on the West Coast. This bit of folklore reveals how little the Japanese-American was known to other Americans.

What were they really like? Since the military decision to evacuate was based largely on a judgment of the kind of people they were, it is important to find out more about them.

A. The Broad Outline

The documents in this part sketch in broad outline the Japanese-American prior to Pearl Harbor.

1. Joe Grant Masaoka wrote vividly about the Issei pioneers in the "Pacific Citizen," the newspaper of the Japanese-American Citizen's League:¹

[The article described vividly the hardships in the lives of Japanese contract laborers who came to America at the turn of the century. Lack of English increased their difficulties, and they were often victimized whether working in isolated gangs or in towns. Their "heritage of fortitude lives with us."]

2. Where did the Japanese-American live? The chart below bears significantly upon one of the major reasons given by General DeWitt for the evacuation:²

¹"Japanese Americans Speak," The Commonweal, XXXIX, 21 (March 10, 1944), 510.

²Ruth E. McKee, Wartime Exile, 56. [Footnote omitted.]

PERCENTAGE OF CALIFORNIA'S JAPANESE POPULATION FOUND IN 7
LEADING COUNTIES, IN 1910 AND IN 1940

County	1910	1940
Sacramento	9.37	7.22
Alameda	7.9	5.51
Fresno	5.4	4.83
San Joaquin	4.36	4.78
Santa Clara	5.56	4.32
San Francisco	10.9	5.63
Los Angeles	20.46	39.34

3. Japanese population in California, Washington, Oregon and Arizona by decades, 1900 to 1940:³

[The graph shows the unusual distribution as to age and sex of the Japanese living in the four western states. In 1900 almost the entire Japanese population consisted of males aged 15-35. By 1910 there were some females and children under ten. By 1930 and 1940 the graph takes a more normal shape but there is still a disproportionate number of males in the older age groups.]

4. The following articles appeared in the Japanese American press during World War I and shortly thereafter.

Hoku-shin-Juho, San Francisco:⁴

[The article pointed out that in many cases a great discrepancy in age existed between parent and child, that many fathers were fifty when their children were four or five. The author worried about who would "guide the community" in twenty years and urged systematic training and education of the young boys and girls who had immigrated in recent years.]

Japanese-American News, San Francisco:⁵

[An article datelined Watsonville Branch announced that the Japanese in the valley had organized a War Aid Fund Association distributing the \$37,500 they had raised among five agencies, \$15,000 going to the Red Cross and to the YMCA war fund.]

³Dorothy Thomas, The Salvage, 10.

⁴Robert Park, The Immigrant Press and Its Control (Harper and Bros., New York and London, 1922), 163-164.

⁵Ibid., 166.

Address of the Japanese Association of America to President Wilson:⁶

[The Board of Directors decided to make the utmost effort to carry out a resolution abolishing "picture marriage." They also announced that they were advising Japanese not to work "so hard as to cause their neighbors to criticize them" and to create leisure to be devoted to self development.]

5. The reaction of a manufacturer in Japan to the employment of Nisei:⁷

[He did not hire Nisei as he found them too individualistic and he wanted employees to do only what they were told. Nisei might look like Japanese to others but not to him.]

6. Speaking in 1921, Colonel John P. Irish paid tribute to the Japanese farmers:⁸

What influenced the two hundred and twenty-two thousand California voters to vote against the anti-Japanese initiative [the initiative alien land act of 1920]? The truth was what they had seen, their experience and contact with the few Japanese who are here. They had seen the Japanese convert the barren land like that at Florin and Livingston, into productive and profitable fields, orchards and vineyards, by the persistence and intelligence of their industry. They had seen the hard pan and goose lands in the Sacramento Valley, gray and black with our two destructive alkalis, lie, cursed with barrenness like the fig tree of Bethany, and not worth paying taxes on, until Ikuta, the Japanese, decided that those lands would raise rice. After years of persistent toil, enduring heart-breaking losses and disappointments, he conquered that rebellious soil and raised the first commercial crop of rice in California. Due to the work of that great Japanese pioneer this state now had a rice crop worth sixty million dollars a year, and the land that he found worthless now sells for two hundred dollars per acre.

B. The Nisei Evacuee Speaks

A vivid picture of the Japanese in America emerges as individual Nisei speak to us in their own words. The following biographical fragments are largely drawn from fifteen case histories of Nisei evacuees collected by social scientists at the University of California.

⁶Address of the Japanese Association of America to President Wilson (Mimeographed copy, undated), 21, as quoted in Robert E. Park and Herbert A. Miller, *Old World Traits Transplanted* (Harper and Bros., New York and London, 1921), 179, 180. [Footnotes omitted.]

⁷Caleb Foote, *Outcasts*, 14.

⁸Ruth McKee, *Wartime Exile*, 66.

1. Early home environment:⁹

[The excerpts reveal a curious mixture of Japanese and American culture. Some Nisei had parents who urged them to become Americanized, while some clung tenaciously to Japanese customs and ways of thinking.]

2. A Nisei reaction to a brief trip to Japan, typical of many found in the case histories:¹⁰

[The Nisei found it an unhappy experience for he was different from the Japanese. After a year in Japan he never made even one friend and couldn't wait to return to Seattle. He was also depressed by the poverty in Japan.]

3. Religious background:¹¹

[The Japanese were divided into two groups: the Christians and the Buddhists. The Buddhists kept to themselves socially and sponsored most of the Japanese festivals held in the community. The Christian Nisei, outnumbered 2 to 1 by the Buddhists, were more liberal and mingled more with the Caucasians.]

4. Economic opportunity for Nisei:¹²

[In 1939 the Nisei were not accepted in most economic fields outside the Japanese community. College graduates usually ended up on the farm or took lowly positions in Japanese enterprises. Few earned more than \$70 a month. One Nisei who wanted to be a writer returned to work on a farm as a matter of course. Later he heard that a Japanese language paper was looking for a Nisei reporter, so he applied immediately.]

5. Political views:¹³

[One Nisei stated that he had never given much thought to politics except for where it related to racial relations. Although he had sentimental ties to Japan before the war, after war broke out he

⁹Roger Daniels, The Politics of Prejudice, 14. [Footnote omitted.]; Dorothy Swaine Thomas, The Salvage, 508, 210-211, 235-236.

¹⁰Ibid., 516.

¹¹Ibid., 157-158.

¹²Ibid., 215-216.

¹³Ibid., 165, 216, 329-330.

wanted to sever all ties with Japan.

Another was sympathetic to Japan before the war as he felt alienated from America.

Another espoused progressive ideology because of racial discrimination.

A fourth Nisei felt helpless about overcoming blind prejudice when he discovered Japanese were ineligible for ROTC in college.

Another espoused liberal causes and felt that he was a better American than many Caucasians. He even picketed against sending scrap metal to Japan. He felt that most Nisei were conservative in their political beliefs.]

6. Feelings about the Kibei:¹⁴

[One Nisei found that he no longer had much in common with a friend who had returned from a sojourn in Japan.

Another expressed sympathy for the Kibei who were disliked by the Nisei and isolated in the camps.]

7. Experiences in Japanese schools:¹⁵

[One Nisei recounted how he had been told that young Nisei constituted the bridge between Japan and the U.S. He identified himself as an American but had loyalty to his racial background.

Another said that the teachers emphasized that the Nisei were American citizens whose duty was to teach Caucasians the better part of Japanese culture.

Another expressed concern on being told by a Nisei friend that the Japanese nation believed the emperor to be the son of God who must be obeyed.

Another Nisei explained how he was taught pride in his Japanese ancestry. However, he was embarrassed to meet his Japanese teacher when with a Caucasian friend and disliked to speak Japanese at such times.

Another, after attending Japanese school for ten years took it for granted that "I was a Japanese at the language school and American at the public school."]

8. Experiences in American schools:¹⁶

¹⁴Ibid., 343, 496.

¹⁵Ibid., 537, 183-184, 238.

¹⁶Ibid., 240, 485, 185.

[The first excerpt pointed out that at junior college the Nisei students dominated all the honor rolls.

The second emphasized the great language handicap and the difficulty of acquiring Caucasian social graces and of becoming a part of American culture.

At the high school in central California however, the Japanese students didn't care what the other students thought of them because they were such a large, active and cohesive group.]

9. Racial discrimination:¹⁷

[On arriving at San Francisco a Japanese American from Hawaii was shocked by the strength of racial feeling and became intensely aware of people talking about Jews, "P.I.s", Chinks, and Japs.]

10. Reaction to Pearl Harbor:¹⁸

[The majority of Nisei reported an initial phase of shock which was usually followed by indignation against Japan and greater identification with the United States. This was followed in many cases by a feeling of insecurity. Two Nisei reported fear at mob action or deportation.]

11. Economic losses due to evacuation:¹⁹

[The first excerpt described how a Japanese owned store in Seattle which opened for business on December 2 was closed when the war came, a total financial loss. The second excerpt described how the Caucasian farmers who took over Japanese farms benefited from the hard labor of the former owners. The third excerpt described how two men came to a Japanese home and offered a total of \$165 for all the household furnishings and a year-old car, the total result of 30 years of labor.]

12. Fear for safety:²⁰

[One Nisei related that there were reports of terrorism and vigilantism in rural area, and the parents of a classmate were killed by a fanatic.]

¹⁷ Ibid., 303.

¹⁸ Ibid., 219, 517, 247, 330-331.

¹⁹ Ibid., 519, 171; Toru Matsumoto, Beyond Prejudice, A Story of the Church and Japanese Americans (Friendship Press, New York, 1946), 21. (The book is out of print.)

²⁰ Yoshiko Uchida, "Evacuation: The First Five Months," California Monthly, Nove., 1966, 6.

13. Reaction to evacuation:²¹

[The first Nisei quoted remarked that the evacuation was "the dirty work of a prejudiced economic and political interest which used the excuse of military necessity for their own selfish purposes."

The second Nisei was disgusted and stated that "the Constitution and democracy didn't mean a damn thing."

The third stated his belief that the officials had been fooled by the pressure groups, and the fourth expressed his disappointment in America.

The last Nisei quoted remarked that the Japanese faced the dilemma of insisting on their civil rights or running the risk that such action could be interrupted as evidence of disloyalty. Evacuation thus having become "a crucible in which our loyalty was to be tested," the Japanese had no alternative but to cooperate fully.]

²¹Dorothy Thomas, The Salvage, 169-170, 351, 397; Yoshike Uchida, "Evacuation: The First Five Months," 6.

SECTION IV

WERE THERE LESS DRASTIC ALTERNATIVES?

Were there alternatives? Could individual hearings have been held for Japanese-Americans? Did the alien control program of the Justice Department provide enough security? This section offers perspective on these questions by reviewing how the danger of sabotage and espionage was handled in Hawaii, on the East Coast, and in Britain.

1. Four Nisei comment on their experience with the F.B.I. immediately after Pearl Harbor:¹

[The first Nisei stated that all the leaders of the Japanese community were immediately picked up and detained by the F.B.I., including his father who had served as assistant manager of Mitsui and Co.

The second Nisei reported that the F.B.I. had picked up 6 or 7 of the wealthy Japanese the night that war was declared. The F.B.I. came to town again in February and took away every male Japanese alien.

A third Nisei stated that on returning to the warehouse after delivering vegetables he was detained for questioning by the F.B.I. who even searched private cars and kept road maps as evidence.

The fourth Nisei described how the F.B.I. picked up the Issei in wholesale lots in that vicinity.]

2. The Attorney-General of the United States summarized the results of the F.B.I. raids:²

[While justifying the F.B.I. raids as necessary to protect the country from the Fifth Column, the Attorney-General stated that the searches without warrants on the West Coast were "without utility" in locating saboteurs or radio operators. They found no dynamite or gun powder that was to be used in a bomb, not a single machine gun, and no camera which they had a reason to believe was for use in espionage.]

¹California Monthly, Nov., 1966; Dorothy Thomas, The Salvage, 375, 431 466, 395.

²Morton Grodzins, Americans Betrayed, 134- 136. [Footnote omitted.]

3. In early February, General DeWitt had made a request to the Justice Department that greater areas of Washington and Oregon be prohibited to enemy aliens, the Justice Department being in charge of alien control on the West Coast until February 19, the date of F.D.R.'s Executive order. In response to this request, Attorney-General Biddle wrote DeWitt's civilian chief, Secretary of War Stimson on February 9, 1942:³

Your recommendation of prohibited areas for Oregon and Washington include the cities of Portland, Seattle and Tacoma and therefore contemplate a mass evacuation of many thousands. . . No reasons were given for this mass evacuation. . . I understood that . . . Lieutenant General DeWitt has been requested to supply the War Department with further details and further material before any action is taken on these recommendations. I shall, therefore, await your further advice.

The evacuation. . . from this area would, of course, present a problem of very great magnitude. The Department of Justice is not physically equipped to carry out any mass evacuation. It would mean that only the War Department has the equipment and personnel to manage the task.

The proclamation directing the Department of Justice to apprehend, and where necessary, evacuate alien enemies, do not, of course, include American citizens of the Japanese race. If they have to be evacuated, I believe that this would have to be done as a military necessity in these particular areas. Such action, therefore, should in my opinion, be taken by the War Department and not by the Department of Justice.

Under pressure from General DeWitt and the War Department, the Department of Justice stepped up its alien control program during February, 1942.

4. An appeal made in behalf of Italian aliens at the Tolan Committee Hearings, February 21st and 23rd, 1942:⁴

THE CHAIRMAN: Tell us about the DiMaggios. Tell us about DiMaggio's father.

MR. TRAMUTOLO: Neither of the DiMaggio seniors is a citizen. They have reared nine children, five boys and four girls, eight of whom were

³DeWitt Final Report, 8-9.

⁴National Defense Migration Hearings, part 29, 11128.

born in the United States and the other one is a naturalized citizen. Three of the boys are outstanding persons in the sports world. Joe, who is with the Yankees was leading hitter for both the American and National Leagues during the years 1939 and 1940. His younger brother Dominic is with the Boston Red Sox and his other brother, Vincent, is with the Pittsburgh team of the National League. All three are so outstanding in their profession that their record is well known to every sports follower. With the DiMaggio children and grandchildren they are a sizable number and if you could have attended, as I did, the wedding of Joe DiMaggio here a few years ago, you would have some realization of the size of the DiMaggio clan. The senior DiMaggios, though noncitizens, are as loyal as anyone could be.

THE CHAIRMAN: What is the older DiMaggio's occupation?

MR. TRAMUTOLO: DiMaggio, Sr., is a fisherman and his two older boys, Tom and Michael, are also fishermen. . . . To evacuate the senior DiMaggio would, in view of the splendid family they have reared and their unquestioned loyalty, present, I am sure you will agree with me, a serious situation. Many of the people affected by the existing order have boys and girls in the armed forces or some branch of the Government doing defense work. I believe that it would be destructive and have a tendency to lower morale, which all of us are interested in building up, if information should reach those in the armed forces that their relatives have been ordered to move out of this area because unfortunately they are not citizens. . . .

MR. SPARKMAN: You would let each case stand upon its merits?

MR. TRAMUTOLO: Each case should be thoroughly investigated. . . .

5. Many eminent leaders on the West Coast were strongly opposed to mass evacuation of the Japanese. Dr. Galen Fisher, a distinguished civic and religious leader, spoke for a group advocating the establishment of Hearing Boards:⁵

[The] Committee on National Security and Fair Play advocated selectivity for all Japanese, until it became apparent that this had been ruled out for Japanese aliens by General DeWitt. Thereafter, the committee advocated selectivity for citizens of Japanese parentage.

6. Responses by two witnesses appearing before the Tolson Committee:⁶

55. ⁵The Case for the Nisei, Brief of the Japanese American Citizens League, [Footnote omitted.]

⁶National Defense Migration Hearings, part 30, 11415, 11560.

Mr. Curtis. I came from a territory where we do not have any Japanese. I don't think there is one in my district. Do you think that it is possible for anybody, any agency of the Government, to separate the loyal Japanese citizen and the dangerous Japanese citizen?
...

Mr. Cain [Mayor of Tacoma, Washington]. I think, within reason, it can be done; but it is going to place upon the person who makes that decision a lot of work. I think that a man's background, regardless of who he is, very generally has much to do with what he is going to do. If born in this country; if a Christian; if employed side by side with others who fill that same classification, for years; if educated in our schools; if a producer now and in the past; if maintained in a position of production--I should think that person could be construed to be a loyal American citizen. . . .

Mr. Arnold. . . . From your experience, can you suggest any test by which the authorities could be sure that all disloyal American-Japanese were apprehended before they committed disloyal acts?

Dr. Steiner. I would think that that same question would need to be asked concerning all of us. That is, how do we know that I am loyal or that anyone else is loyal? How would we know that the Germans, the first generation of Germans or the second generation of Germans, are loyal? We must know it by their actions, by the company they keep, the organizations to which they belong. As far as the Japanese are concerned, I would think it would be less difficult, for they are more segregated, they are more visible, they cannot hide away or have secret meetings as easily as could Germans or Italians. I see no great difficulty. It would mean a great deal of work, of course, to examine all these people and try to put them in two classes--those who are loyal and those who are not.

7. The views of an "anonymous Intelligence officer" (Lt. Commander K. D. Ringle, naval intelligence officer of the Eleventh Naval District) on screening Japanese-Americans:⁷

[The Nisei presented little danger and could be accorded a place in the war effort. The Japanese Consular staff did not trust the Nisei. The large majority of the Issei were at least passively loyal. The Kibei are the most potentially dangerous element, and such persons should be segregated and considered guilty until proven innocent.]

⁷Anon, Intelligence Officer, "The Japanese in America," Harper's Magazine, October, 1942, 491-492. (Copyright © 1943 by Harper's Magazine, Inc. Reprinted from the October 1942 issue of Harper's Magazine by special permission.)

8. Others disagreed with the "Kibei approach" to the segregation problem, a position borne out to some extent by the Kibei's valuable service as interpreters in Army combat intelligence, most Nisei lacking the necessary fluency in Japanese:⁸

But the more the agency learned about the actual attitudes of the evacuated people and about the complex of factors which lay behind these attitudes, the more uncertain it became about such a categorical procedure. In the first place, it became increasingly apparent that the mere act of singling out the Kibei, officially, as the most suspect group in the evacuee population would have far-reaching implications. It would greatly intensify the popular stigma which had already been attached to the Kibei and make it much more difficult for even the most loyal among them to effect a satisfactory adjustment to American life. It would deepen the bitterness of the previously embittered and do a grave injustice to the genuinely pro-American and pro-democratic.

Furthermore, WRA [War Relocation Authority] discovered, the Kibei approach was by no means a really effective way of solving the segregation problem. Not only would it stigmatize some of the loyal and well-intentioned Kibei; it would miss entirely some of the most effective and persistent trouble-makers in the evacuee population. The Kibei, WRA gradually learned, were seldom among the leaders of the dissident groups at relocation centers; more often, they were merely the "puppets" or the "front boys" for a small group of older and shrewder manipulators. The real culprits--the organizers, planners, and strategists--were much more likely to be bachelor Issei or middle-aged Nisei who were badly maladjusted in the United States yet skilled enough to remain generally in the background at the relocation centers.

The basic weakness in Commander Ringle's proposal, it now seems to WRA, was that it overstressed some of the more facile generalizations that had been made about the three main groups in the evacuee population and underestimated the importance of basing judgments on a close examination of the background and attitude of the individual evacuee.

9. As contrasted with the West Coast where the Japanese constituted a miniscule 1.5% of the population, Hawaii in 1940 had a sizable number of Japanese residents, roughly 32% of the total population. For this and other reasons there early developed pressures for evacuating the Japanese to the mainland:⁹

⁸United States Department of Interior, W.R.A. A Story of Human Conservation, 46.

⁹Cecil Henry Coggins, "The Japanese Americans in Hawaii," Harper's Magazine, June, 1943, 80. (Copyright © 1943 by Harper's Magazine, Inc. Reprinted from the June, 1943 issue of Harper's Magazine by special permission)

[One vocal critic of the military advocated moving at least 100,000 Japanese to inland mainland states, for if the Germans could move 3,000,000 men from occupied Europe, moving this number of Japanese should present no problem.]

10. Response of military leaders and public officials to the rumors of sabotage and espionage directed against Japanese residents of Hawaii:¹⁰

[In a radio broadcast General Emmons chided listeners for their "gullibility" regarding "laughable rumors about Hawaii. The police chief of Honolulu categorically stated that there were no acts of sabotage in Honolulu on December 7 or subsequently and no blocking of traffic by unauthorized persons. Secretary of War Stimson stated in May, 1942 that he had received no information of sabotage during the attack. The Assistant to the Attorney General stated in April that John Edgar Hoover of the FBI had advised him that there was no sabotage in Hawaii prior to December 7, or subsequent to that date.]¹¹

11. The treatment of the Japanese in Hawaii was described in an article that appeared in Harper's Magazine in 1943:¹²

[After Pearl Harbor, a number of wild rumors and stories of espionage and sabotage were circulated. The new military commander, Lieutenant General Delos Emmons refused to be stampeded. Although some additional emergency measures were put into effect, reassurances were given to the Japanese population that, as long as they observed the law they had nothing to fear. The most serious problem was presented by the citizens of Japanese ancestry in the Army and Hawaii Territorial Guard. Picks and shovels were substituted for rifles. Subsequently Selective Service classified all Japanese as 4-C. Guard members of Japanese ancestry served for 2 months and then they were "inactivated."]

Initiative for a solution came from the Honolulu Civic Association, the largest and most influential of the Japanese-American societies in Hawaii. It had been active in many community projects, and its executive committee included business and professional leaders. The Civic Association drafted

¹⁰Andrew Lind, Hawaii's Japanese, 42-43.

¹¹During the Spanish Civil War, Franco captured Madrid with four army columns, boasting that he had a fifth column inside the city.

¹²Cecil Henry Coggins, "The Japanese Americans in Hawaii," 75-77, 79.

a petition to "the Military Authorities of the United States" asking that American citizens of Japanese ancestry be allowed to serve in the armed forces. As an intermediary they enlisted the services of one of the most prominent men in the Hawaiian Islands, Walter Dillingham, President of the Oahu Railway Company and a director of many other enterprises. Dillingham invited the highest military commanders of the Islands--including Admiral Chester W. Nimitz, Commander in Chief of the Pacific Fleet--to a luncheon at his home. There the petition was read, applauded, and approved, and General Emmons, Commander of the Hawaiian Department, agreed to forward it to the War Department in Washington for approval.

[General Emmons insisted on establishing the truth as to the loyalty of the Japanese population. The records showed:

1. Some alien Japanese were so dangerous they should be arrested and placed in detention camps.
2. Some pro-Japanese sentiment existed but was nowhere expressed in action.
3. The majority of Japanese-Americans had shown their hatred of the enemy by their actions which included brilliant records in many war efforts.
4. Not one act of sabotage had been committed in the Islands, either by alien Japanese or by Nisei. There was, furthermore, no evidence of espionage by Japanese-Americans. Many Japanese-Americans have helped to defend the islands during the attack on Pearl Harbor.

The survey also showed that if the Japanese-Americans were deported, the Hawaiian Islands could not continue to eat as the work of this 1/3 of the total population fed most of the people in Hawaii.]

The 297th and 298th Battalions were subsequently allowed to take up their arms. They were reorganized as the 100th Infantry Battalion and went to Camp McCoy, Wisconsin, to train for service in Europe. In 1943 Japanese-Americans were allowed to enlist or to become subject to selective service.

12. In a speech delivered at the University of Hawaii on March 25, 1943, Colonel K. J. Fielder summarized the handling of the "Japanese problem" in

Hawaii:¹³

I would like to now point proudly to another way in which our national administration and our government here--civil and military have treated the race problem in Hawaii.

In brief we have removed and shall continue to remove--for the national and local security--that minority of aliens and citizens here who are considered dangerous or potentially dangerous in time of war. We did not impugn, because of race, the good name of the rest of them, alien or citizen. . . .

How differently a Himmler or a Heinrich¹⁴ would have handled this delicate situation! Does anyone believe for a moment that any of the Axis crowd would give one of enemy race a fair chance to prove himself? Yet that's what was done in Hawaii--and so far it has proved militarily sound. . . . It would take much too long to tell you of the many concrete ways in which many of these people who were on the spot have proved their love for America and have helped solve an otherwise ticklish military problem here. For the information of all who might be misled, there is none among us who has been led into this policy out of. . . sentimentality or gullibility. . . . Her (Japan's) army and navy must definitely be crushed. The question of Americans of Japanese blood is far different. They are Americans--and until they prove (or show themselves dangerously capable of proving) traitorous, they should be treated as Americans.

This must not be construed as sentimentality, or hands-off for business reasons or anything else of a negative nature, but rather as a sane, reasonable, democratic and SAFE judgment. It is simply felt that the Japanese element of the population, if accepted and united in purpose and action, is an asset to the community.

13. The East Coast was also confronted by a formidable enemy, Hitler's Germany:¹⁵

[The article related the considerable military successes experienced by Germany and Italy. Thanks to the Nazi submarines, the Germans attained complete freedom of movement in our waters, shelling oil refineries in the Caribbean in February, 1942, and landing saboteurs and explosives at two points on our coast in June. Japan seemed a less formidable enemy than Germany.]

¹³The Case for the Nisei, 105.

¹⁴War leaders in Nazi Germany.

¹⁵Freeman, "Genesis, Exodus and Leviticus--Geneology, Evacuation and Law," Cornell Law Quarterly, 28 (1943), 441-443. (COPYRIGHT 1943 BY CORNELL UNIVERSITY.) [Footnote omitted.]

14. The chart below compares Japanese concentration in the West Coast with German and Italian concentration on the East Coast in 1940:¹⁶

[The charts show that there was proportionately a greater concentration of Germans and Italians in Eastern cities than of Japanese in cities on the west coast.]

15. An article in the September, 1942, issue of a scholarly journal reviewed some of the subversive activity in the United States at the time:¹⁷

[The article emphasized the strength of the pro-German and pro-Italian element. The German American Bund gathered a crowd of 20,000 in February, 1939, raised \$900,000 annual revenue, ran 20 summer camps, and had 71 local units across the country. Of the 178 German language periodicals, all but a few were favorable to the Nazi regime in 1940. That year the Mazzini Society estimated that 80% of the 120 Italian language publications were Fascist.]

16. The policy followed by the Justice Department in dealing with enemy aliens on the East Coast and to a lesser extent on the West Coast:¹⁸

[Enemy aliens who were arrested were promptly examined by voluntary Alien Enemy Hearing Boards, which consisted of citizens appointed by the Attorney General. By the end of fiscal 1943, 9,080 of the 1,100,000 enemy aliens in the United States had been examined: 4,119 were interned; 3,705 paroled; 1,256 released and 9,341 were still in custody. By June 30, 1944, only 6,238 were in custody, 2,525 interned, 4,840 paroled and 1,926 released.]

17. The British, who had been fighting the war since 1939, had considerable experience dealing with enemy aliens and other potentially disloyal persons:¹⁹

¹⁶Ibid., 444. [Footnote omitted.]

¹⁷Alfred McClung Lee, "Subversive Individuals of Minority Status," The Annals of the American Academy of Political and Social Science (Sept., 1942), 164-165. [Footnote omitted.]

¹⁸Eugene V. Rostow, "The Japanese-American Cases--A Disaster," Yale Law Journal, 54, 3 (June, 1954), 493. [Footnote omitted.]

¹⁹Ibid., 494-495; The Case for the Nisei, 54, 55. [Footnote omitted.]

The British procedure was the model for our general practice in dealing with enemy aliens. The British Government began in 1939 by interning only those enemy aliens who were on a "security list." Others were subjected to minor police restrictions, pending their individual examination by especially established tribunals. One hundred and twelve such tribunals were set up, under citizens with legal experience, to examine all enemy aliens in Britain. There was an appeals advisory committee to advise the Home Secretary in disputed cases. Aliens were divided into three classes: judged dangerous were interned; if judged doubtful in their loyalty, they were subjected to certain continuing restrictions, especially as to travel, and the ownership of guns, cameras, and radios; those deemed entirely loyal to the Allied cause were freed without further restraint. At first 2,000 enemy aliens on a black list were interned. But the entire group was then examined individually, and by March, 1940 only 569 of approximately 75,000 aliens were ordered interned.

When the Low Countries were overrun, however, and France collapsed, panic seized the nation. As in this country the correlation between military reverse and repressive action was high. June 21, 1940, the day on which France fell, became "general internment" day in England. Practically every alien was taken into custody. [27,000 interned of a total enemy alien population of 93,000.] Even the refugees from Germany were not spared, for a rumor had gained ground to the effect that Hitler had sent spies to England in the guise of persons seeking asylum. The same two types of thinking now emerged which have also marked the debate over evacuation in this country. Mr. Pickthorn who inclines towards the DeWitt point of view, asserted in the House of Commons, on August 22, 1940:

"If an archangel appeared before all the members of the War Cabinet at once and said, 'There is one red-headed man in England who, unless care is taken, will do something to injure the State,' I think it would be the duty of the War Cabinet to see that all red-headed men were interned. . . ."

To this, Mr. Wedgwood. . . responded:

"Every nation is divided into two different schools of thought, one school on our side and the other school on the Nazi side. It is out of date to talk of enemy aliens. . . The danger (if the Germans invade this country) would come from the Fascist party, from people who were defeatists, and from people who have nothing to lose if Hitler comes here. . . ."

18. British panic subsided by September, 1941:²⁰

Our own Attorney General Biddle has described England's brief capitulation to the DeWitt formula and the subsequent reaction of the English against it:

²⁰ Ibid.

"The Government yielded to the pressure and all aliens were thrown into hastily laid out camps. Conditions there were bad. Britons themselves deplored the error. Sir John Anderson, then Home Secretary, said the wholesale internment victimized 'some of the bitterest and most active enemies of the Nazi regime.' Said Rhys Davies: 'I am sure the treatment meted out to our alien population in the last few months is not the result of cruel intention but of panic and sheer stupidity.' A letter to the Times, signed by a group of prominent Londoners, among them H. G. Wells, included the opinion that 'nothing could be more calculated to dishearten our friends and allies in Germany and Austria than the news that Britain has put under lock and key her own anti-Nazis of German and Austrian origin.' Then the reaction set in. The British public, having undergone a few bombing raids, ran true to form. In real danger the British forgot their fears. Letters began pouring in to the internees at the rate of 120,000 a week. Pressure again was exerted on public officials. Picking and choosing started all over again."

It was not long before the Home Secretary was able to say:

"Of scores of thousands of aliens, only 9,7000 are still detained. A democracy confident of its cause and of itself does not need to use a big stick at home."

19. Eugene Rostow summarized the situation in Britain:²¹

[The number of people interned dropped to 8,500 by September, 1941. When certain British subjects were arrested on suspicion alone which brough a storm. In general the British treated enemy aliens on an individual basis and arrested British subjects with fascist tendencies only in limited number and on strong personal suspicion.]

²¹Eugene Rostow, "The Japanese American Cases," 495. [Footnote omitted.]

SECTION V

THE PRICE

In this section we return to consider some of the crucial questions raised in the introduction relating to total war and democracy.

A. The Price for the Japanese-Americans

From the Assembly Centers where they gathered, the evacuees were sent to one or another of ten Relocation Centers that had been hastily built for the purpose in the interior, outside the prohibited coastal zones. In these Centers, surrounded by fences and armed guards, many of the evacuees spent nearly three years. In 1943, however, procedures were at last developed what enabled some to leave the Centers, either to enter the Armed Services or to resettle in non-strategic area. In January, 1943, Secretary of War Stimson announced a plan for an all-Nisei combat unit of 3,500 men to be recruited from the Relocation Centers. Since all male Japanese were to fill out a loyalty questionnaire preliminary to volunteering, the War Relocation Authority took advantage of the opportunity to have all adults undergo "clearance" so that the loyal could be separated from the disloyal. The loyal became eligible for resettlement if they met the leave requirements of the War Relocation Authority. Between March, 1943, when registration was completed, and December, 1944, when Japanese were finally permitted to return to the West Coast, about 35,000 evacuees were resettled on an individual basis, most of them in the mid-western states.

Once the loyalty screening was completed, the disloyal from all camps were segregated at Tule Lake Center, in central California, where they were allowed to follow the Japanese way of life, effectively isolated from

the outside world. In July, 1944, the Nationality Act of 1940 was amended to permit the renunciation of citizenship by United States citizens during wartime. Renunciation hearings were held at Tule Lake, and arrangements were made for renunciants to return to Japan if they so desired.

The following documents have to do with the results of the evacuation.

1. In 1943 and 1944 the following scene at Manzanar Relocation Center could have been enacted at any one of the ten centers:¹

[In a grim mess hall a Japanese American spoke to a crowd of 200 urging the listeners to protest the bad conditions in the camp. He had served in the Army in World War I, had been wounded, and was drawing compensation for those wounds from the United States government while "rotting in a United States concentration camp." He renounced his citizenship, declaring himself 100% Japanese. More than 6,000 American citizens during World War II formally declared themselves not loyal to the United States.]

2. Distribution of evacuees among the ten relocation centers:²

NAME	LOCATION	CAPACITY
Central Utah (Topaz)	West-central Utah	10,000
Colorado River (Poston)		
Unit 1	Western Arizona	10,000
Unit 2	Western Arizona	5,000
Unit 3	Western Arizona	5,000
Gila River (Rivers)		
Butte Camp	Central Arizona	10,000
Canal Camp	Central Arizona	5,000
Granada (Amache)	Southeastern Colorado	8,000
Heart Mountain	Northwestern Wyoming	12,000
Jerome (Denson)	Southeastern Arkansas	10,000
Manzanar	East-central California	10,000
Minidoka (Hunt)	South-central Idaho	10,000
Rohwer	Southeastern Arkansas	10,000
Tule Lake (Newell)	North-central California	16,000

3. First impressions of the relocation camps as recounted by some evacuees:³

¹Morton Grodzins, The Loyal and the Disloyal (University of Chicago Press, Chicago, 1956), 105-106.

²United States Department of Interior, WRA, A Story of Human Conservation, 22.

³Dorothy Thomas, The Salvage, 315-316, 523, 495.

[One evacuee was depressed by the guard towers, the search lights, and the barbed wire fence.

Another was struck by the bareness of the land and the huge dust storms. The barracks were unfinished, and sanitary conditions were very bad.

A third mentioned the unfinished and filthy condition of the camp, while a fourth was dismayed by the effect that camp life had on the people who learned to "grab, grab, grab."]

4. Living conditions in the centers varied, but in general they were not as grim as those at Tule Lake Segregation Center, described here by Judge Denman of the Ninth Circuit Court of Appeals in a Court opinion handed down in 1949. This decision restored United States citizenship to some of the Japanese-Americans who had renounced it:⁴

[The] beguiling words "evacuation" meant deportation, "evacuees" meant prisoners, "relocation center" meant prison and their single rooms, some crowding in six persons, meant cells, as they in fact were. Their true character is recognized in this opinion. . . .

The barbed wire stockade surrounding the 18,000 people there was like that of the prison camps of the Germans. There were the same turrets for the soldiers and the same machine guns for those who might attempt to climb the high wiring. . . .

The imprisoning buildings shown were constructed in part by the citizens who were to occupy them, alongside free carpenters, painters and plumbers. As if to drive it in to their already shocked spirits that their treatment was to be like that of criminals in a penitentiary, they were paid the prison wage of \$12 a month to the unskilled and \$16 to those skilled, while their free fellow citizens, working beside them, were paid the prevailing \$12 to \$20 per day of their respective trades.

The buildings were covered with tarred paper over green and shrinking burlap--this for the low winter temperatures of the high elevation of Tule Lake. What further was done to shut out the winter cold was by the occupants to whom scant material was furnished after long delay. No federal penitentiary so treats its adult prisoners. Here were the children and babies as well.

⁴Acheson v. Murakami, 176 F. 2d, 953, 955-957.

None of the living rooms had running water, much less toilet facilities. Instead there were outside communal latrines. . . . To reach the unheated latrines, which were in the center of the blocks of fourteen buildings, meant leaving the residential shacks and walking through the rain and snow--again a lower than penitentiary treatment, even disregarding the sick and the children.

So, also was the crowding of the 18,000 people in the one-story shacks, all in an area of 1 1/4 square miles. Apartments 20 by 25 feet were assigned to a group of 6 members; 20 by 20 to groups of 3 to 5 members; and 12 by 20 to groups of 2 to 4 members, often without reference to sex, age, or closeness of relationship. In the cells of a federal penitentiary there is no such crowding. . . .

Also lower than many penitentiaries was the absence of any occupation for a normally active industrious people of high intelligence. True, some of them farmed adjoining land on a 48-hour week at \$16 per month, among white farmers paid the prevailing California wage. Here they were not permitted to feel they were making the citizens' contribution to public welfare. The farm product was insufficient for their own needs.

The sole money contribution of the government for its forced unemployment of its citizens is a so-called "unemployment compensation" of \$4.25 to \$4.75 per month. This against such compensation for free fellow citizens based upon their going wage, amounting in California to \$20 per week. . . .

5. On January 28, 1943, Secretary of State Stimson announced that the War Department was planning to recruit volunteers for an all-Nisei combat team:⁵

[Stimson stated that it was "an inherent right of every faithful citizen" to fight his country's battles. He was glad that he was able to prove that "this basic American belief is not a casualty of the war."]

6. All Japanese had to answer "yes" or "no" to the following loyalty questionnaire. "Yes, Yes," meant liability for the draft and eligibility for resettlement. "No, Yes," meant one could avoid the draft without the stigma of disloyalty. "No, No," meant one escaped the draft but was not eligible for resettlement:⁶

⁵C. H. Coggins, "The Japanese-Americans in Hawaii," 81.

⁶E. H. Spicer, Impounded People, 99.

- No. 27: Are you willing to serve in the armed forces of the United States on combat duty, whenever ordered?
- No. 28: Will you swear unqualified allegiance to the United States of America and faithfully defend the United States from any and all attack by foreign or domestic forces, and fore-swear any form of allegiance or obedience to the Japanese Emperor, or any other foreign government, power or organization?

7. Since by virtue of their Japanese birth the Issei were not permitted to become American citizens, question 28 threatened to make them people-without-country. Accordingly, a revised version was prepared for them:⁷

Will you swear to abide by the laws of the United States and to take no action which would in any way interfere with the war effort of the United States?

"No, No," response to the loyalty questionnaire varied from center to center (37% at Minadoka to 42% at Tula Lake, the average being around 10%). About 5,000 out of 20,000 men of military age (25%) answered "no." About 10% (8,500 out of 75,000) of all adults who were supposed to register gave negative answers.

8. Army recruiting teams which visited the relocation centers in February, 1943, were frequently greeted by such questions as:⁸

[Why can't loyal Japanese Americans return to California? Why can't Japanese American soldiers in army uniforms visit a dying father in Los Angeles? Why were Nisei draftees kicked out of the army after Pearl Harbor? Why were Nisei stripped of rank and changed from combat duty to menial labor? Why aren't Nisei accepted in the Navy? Why can't Nisei soldiers visit the internment camps?]

9. The following W.R.A. regulation described the procedure for granting "indefinite leaves" from the Relocation Center:⁹

⁷Ibid., 109.

⁸Dorothy S. Thomas and Richard S. Mishimoto, The Spoilage (University of California Press, Berkeley, 1946), 67-68.

⁹Quoted in Eugene V. Rostow, "The Japanese American Cases," 499.

In the case of each application for indefinite leave, the Director, upon receipt of such file from the Project Director, will secure from the Federal Bureau of Investigation such information as may be obtainable, and will take such steps as may be necessary to satisfy himself concerning the applicant's means of support, his willingness to make the reports required of him under the provisions of this part, the conditions and factors affecting the applicant's opportunity for employment and residence at the proposed destination, the probably effect of the issuance of the leave upon the war program and upon the public peace and security, and such other conditions and factors as may be relevant. The Director will thereupon send instructions to the Project Director to issue or deny such leave in each case.

10. In 1942 "The Grizzly Bear," official publication of the Native Sons of the Golden West, had launched a campaign to strip the Nisei of United States citizenship and have them declared enemy aliens. Sample headlines follow:¹⁰

["Let us now rid out country of all Japs."

Another headline questioned whether the Constitution conferred citizenship on children born to Japs.]

11. The roadblock in the way of stripping Japanese-Americans of their citizenship was a Supreme Court decision handed down in 1898 holding that Chinese born in the United States are citizens.

Undaunted, Mr. V.S. Webb, former attorney-general of California and counsel for the Native Sons, pushed his case:¹¹

[He argued that the Supreme Court had "erroneously decided the case." He maintained that although the Justices had sworn to uphold the Constitution, they had not sworn to follow decisions of the Supreme Court when they considered those decisions to be wrong. Contending that the American Indian is not an Asiatic, he insisted that the country had been settled and built by white men.]

¹⁰The Grizzly Bear (Native Sons of the Golden West), April, 1942, Sept., 1942.

¹¹The New York Times, Feb., 21, 1943, 23. (c 1941 by The New York Times Co. Reprinted by permission.)

12. In April, 1943, a congressional committee investigating congestion in the San Francisco area, asked General DeWitt if he had any problems he would like to discuss:¹²

General DeWitt. I haven't any except one--that is the development of a false sentiment on the part of certain individuals and some organizations to get the Japanese back on the west coast. I don't want any of them here. They are a dangerous element. There is no way to determine their loyalty. The west coast contains too many vital installations essential to the defense of the country to allow any Japanese on this coast. There is a feeling developing, I think, in certain sections of the country that the Japanese should be allowed to return. I am opposing it with every proper means at my disposal. . . .

Mr. Bates. I was going to ask--would you base your determined stand on experience as a result of sabotage or racial history or what is it?

General DeWitt. I first of all base it on my responsibility. I have the mission of defending this coast and securing vital installations. The danger of the Japanese was, and is now--if they are permitted to come back--espionage and sabotage. It makes no difference whether he is an American citizen, he is still a Japanese. American citizenship does not necessarily determine loyalty.

Mr. Bates. You draw a distinction then between Japanese and Italians and Germans? We have a great number of Italians and Germans and we think they are fine citizens. There may be exceptions.

General DeWitt. You needn't worry about the Italians at all except in certain cases. Also, the same for the Germans except in individual cases. But we must worry about the Japanese all the time until he is wiped off the map. Sabotage and espionage will make problems as long as he is allowed in this area--problems which I don't want to have to worry about. . . .

Mr. Anderson [California]. I wrote to the War Department when this policy [which might permit Japanese-Americans to return to the West Coast] was announced asking how come. There was strong protest from my district. I wrote the Secretary of War and inquired as to policy and they said it was a new policy that they intended to follow. The attitude in my district is that if you send any Japanese back here we will bury them. . . .

¹²United States Congress, House of Representatives, 78th Cong., 1st Sess., Hearings Before a Subcommittee of the Committee on Naval Affairs (Government Printing Office, April, 1943), 739-740.

13. A handbill issued June, 1943, by the Home Front Commandos of Sacramento, California:¹³

[Help to deport the Japs after the war. A Jap "is and will always be a Stabber-in-the-Back gangster."]

14. In October, 1943, a California State Senate Committee held hearings throughout the state on the subject of the return of the Japanese evacuees to the West Coast. Cary McWilliams, a student of minority groups, described the hearings:¹⁴

[The District Attorney of Los Angeles County stated that if any Japanese returned to the coast there would be "large scale massacres" or "free murder or manslaughter." A Senator cheered a woman representing Gold Star Mothers who wanted to keep Japs out of California for all times.]

15. From Late 1944 to 1945 when most of the renunciations of United States citizenship were being made, the following incidents were reported in the press and read by the interned men:¹⁵

[In Caldwell, Idaho] three ruffians accompanied by seventeen or eighteen persons, attacked three Nisei soldiers and their friends and relatives who numbered about forty persons. . . at 1:30 a.m. [January 7, 1945], while they were waiting for a train. . . They rushed into the waiting room and socked a Nisei soldier. . . who was standing at the entrance. The attackers shouted obscene words, and some of them said, 'God damned Japs! I'm going to kill all.' They beat the Japanese at random and created a scene of utter confusion. . . .

Efforts to blow up the packing shed of a return Japanese American farmer with dynamite and to intimidate him and his family with gunshots were disclosed yesterday by Sheriff Charles Silva of Placer County.

[Sumio] Doi, who returned to his place near Newcastle recently from Lamar, Colo., with his parents, called the sheriff's office early yesterday to report that several carloads of persons had parked on his property. Shots were being fired at the house, he said, in an effort to keep him and his family indoors.

¹³Carey McWilliams, Prejudice, Japanese-Americans, 237.

¹⁴Ibid., 257. [Footnote omitted.]

¹⁵Acheson v. Murakami, 176 F. 2d, 953, 959. [Footnotes omitted.]

16. The following excerpts from case studies provide insight into the various motivations which prompted many Japanese-Americans to declare themselves "disloyal" and even impelled some Nisei to renounce their United States citizenship:¹⁶

[The motives included: filial loyalty to a devoted father who planned to return to Japan after the war; the intention of returning to Japan because of resentment at being interned; the determination to stay with relatives who would support dependents; fear of relocation; resentment of racial discrimination and internment; bitterness over evacuation; fear of being drafted or having sons drafted after experiencing racial discrimination and internment; loss of all hope of a future in America; pressure from fellows in internment camps; fear of violence upon returning; loss of all property here while retaining property in Japan; sentimental loyalty to Japan.]

17. The War Department called for 3,500 volunteers for the army from the relocation camps; 1208 Japanese-Americans applied for enlistment. The record of Japanese-Americans in Hawaii was noted by sociologist Andrew Lind:¹⁷

[As an official mark of confidence in the loyalty of the Japanese Americans in Hawaii the War Department in January, 1943 issued a call for 1,500 volunteers of Japanese ancestry. Six times that number volunteered, 9,507, and the original quota was doubled.]

18. The exploits of the 100th Infantry Battalion and the 442nd Regimental Combat team in Italy and Germany, the "Go for Broke" outfit, became one of the legends of World War II. Probably one of the most decorated units in the history of the U. S. Army, its casualties equalled its honors. In ten months during the Italian campaign, of the 1,300 men in the 100th Infantry, the "Purple Heart Battalion," 300 were killed and 650 wounded.

¹⁶Dorothy Thomas and Richard S. Nishimoto, The Spoilage, 94-95, 348-349, 353, 349, 102. [Footnotes omitted]; Morton Grodzin, The Loyal and the Disloyal, 111-112.

¹⁷Andrew W. Lind, Hawaii's Japanese, 151. [Footnote omitted.]

Bradford Smith colorfully described the most famous exploit of the 442nd, the rescue of the "Lost Battalion":¹⁸

[In October, 1944, about 300 Texans found themselves hopelessly isolated in a part of eastern France. The 442nd Combat Team, recalled from a rest area where they had been sent after eight sleepless days, took four days to blast its way through rough terrain and a strongly entrenched enemy to relieve the Lost Battalion. They suffered heavy casualties.]

19. A notice in the Relocation camp newspaper, the Manzanar Free Press, July 29, 1944:¹⁹

[Mrs. Teru Arikawa was notified of the death of her son on the Italian front. Another son, also stationed in Italy, had volunteered for the Combat Team from Manzanar, and a third son was on duty at Camp Shelby in Mississippi.]

20. Bradford Smith commented on the effect that Nisei sacrifices in the armed services had on public opinion in certain area of the country:²⁰

[In December, 1944, in Hood River, Oregon, the American Legion removed from the honor roll the names of 16 Nisei. Although the Legion National Commander disavowed the act, the local post held fast. One of the 16 died on Leyte. The Hood River papers carried ads urging the Japanese to sell their land as no one wanted them to return. Three months later sufficient pressure built up to force the 16 names back on the honor roll.]

21. General Joseph Stilwell, who had fought the Japanese in Burma and China, spoke up about discrimination against the Nisei:²¹

[Stilwell insisted that the Nisei "bought an awful big hunk of America with their blood." He felt that soldiers should form a pickaxe club to protect Japanese Americans, for any injustice done to the Nisei defeats the purposes we fought for.]

¹⁸Bradford Smith, Americans From Japan, 3-4.

¹⁹Ansel Adams, Born Free and Equal (U. S. Camera, New York, 1944), 95.

²⁰Bradford Smith, Americans From Japan, 327.

²¹Ibid.

22. During a speaking tour Air Force hero, Sergeant Ben Kuroki felt obliged to admit to a San Francisco audience that his fight against intolerance was far from over:²²

[He admitted that he was afraid to walk in the streets of his own country despite his uniform and medals because of prejudice aroused by the widespread publicity given to Japanese atrocity stories.]

23. In 1945, Captain Daniel K. Inouye tried to get a haircut:²³

[In 1945 Captain Daniel K. Inouye, now United States Senator from Hawaii was refused service in a San Francisco barbershop which didn't serve Japs, despite his uniform decorated with a number of ribbons and an empty sleeve for the arm he had lost in Italy.]

24. In December, 1945, a dispatch datelined Uraga, Japan, described the beginning of life in Japan for many renunciants:²⁴

They were placed in a reception center, consisting of filthy barracks abandoned by the Japanese Army. Their first meal consisted of a small bowl of rice and a pickled apricot. They complained about the food and were told that they were lucky to get it. That thousands of persons were starving in Japan. They didn't like it and they wished they had never come to Japan--but they knew it was too late.

25. A public opinion poll taken in May, 1946:²⁵

[When asked whether the average Japanese person living in this country was loyal or disloyal to the American government, 50% of those questioned replied "loyal" and 25% "disloyal". When asked whether this average Japanese destroyed war materials during the war, 31% responded "yes" and 32% "no". Sixty-six percent thought the average Japanese did spying, with only 13% saying "no".]

²²"Japanese Americans Speak," The Commonwealth, 520.

²³Allan R. Bosworth, America's Concentration Camps (W. W. Norton and Co., New York, 1967), 234.

²⁴United States Department of Interior, W. R. A. A Story of Human Conservation, 74.

²⁵Hadley Cantril, ed., Public Opinion, 1935-1946, 381.

B. The Courts and the Constitution: Was It Legal?

The question of the legality of the various stages of the Japanese evacuation inevitably reached the Supreme Court. Excerpts from the Courts decisions are included in this sub-section. As you read them you will want to keep in mind that every Court decision becomes a possible precedent for future decisions. The decisions made in the case of the Japanese evacuation might, therefore, become precedents for decisions the Court might make in some future emergency.

Three important cases are included. In Hirabayashi v. United States, decided in 1943, the Court decided the legality of a curfew imposed by the military on Japanese-Americans in the period prior to the day they reported at the Assembly Centers. In 1944, in Korematsu v. United States, the Court took up the question of the legality of the military orders excluding Japanese-Americans from the prescribed areas on the West Coast. On the same day in Ex Parte Mitsuye Endo the Court considered the question of whether a Japanese-American against whom no charges of disloyalty had been brought could be detained in a Relocation Center.

1. Hirabayashi, an American citizen, had been born in Seattle of Japanese parents who had come from Japan to the United States. He had attended the Washington public schools and in 1942 was a senior at the University of Washington. He was arrested because he was away from his place of residence after 8 p.m. on May 9, 1942, contrary to the curfew imposed by General DeWitt. The curfew required that all persons of Japanese ancestry in the particular area in which Hirabayashi lived be in their residences between 8 p. m. and 6 a. m. A lower court had convicted Hirabayashi, and the

Supreme Court took the case on appeal. Excerpts from the unanimous decision of the Court follow:²⁶

The war power of the national government is "the power to wage war successfully." It extends to every matter and activity so related to war as substantially to affect its conduct and progress. The power is not restricted to the winning of victories in the field and the repulse of enemy forces. It embraces every phase of the national defense, including the protection of war materials and the members of the armed forces from injury and from the dangers which attend the rise, prosecution and progress of war. Since the Constitution commits to the Executive and to Congress the exercise of the war power in all the vicissitudes and conditions of warfare, it has necessarily given them wide scope for the exercise of judgment and discretion in determining the nature and extent of the threatened injury or danger and in the selection of the means for resisting it. Where, as they did here, the conditions call for the exercise of judgment and discretion and for the choice of means by those branches of the Government on which the Constitution has placed the responsibility of war-making, it is not for any court to sit in review of the wisdom of their action or substitute its judgment for theirs.

The actions taken must be appraised in the light of the conditions with which the President and Congress were confronted in the early months of 1942, many of which, since disclosed, were then peculiarly within the knowledge of the military authorities. On December 7, 1941, the Japanese air forces had attacked the United States Naval Base at Pearl Harbor without warning, at the very hour when Japanese diplomatic representatives were conducting negotiations with our State Department ostensibly for the peaceful settlement of differences between the two countries. Simultaneously or nearly so, the Japanese attacked Malaysia, Hong Kong, the Philippines, and Wake and Midway Islands. On the following day their army invaded Thailand. Shortly afterwards they sank two British battleships. On December 13th, Guam was taken. On December 24th and 25th they captured Wake Island and occupied Hong Kong. On January 2, 1942, Manila fell, and on February 10th Singapore, Britain's great naval base in the East, was taken. On February 27th the battle of the Java Sea resulted in a disastrous naval defeat to the United Nations. By the 9th of March Japanese forces had established control over the Netherlands East Indies; Rangoon and Burma were occupied; Bataan and Corregidor were under attack.

Although the results of the attack on Pearl Harbor were not fully disclosed until much later, it was known that the damage was extensive, and that the Japanese by their successes had gained a naval superiority over our forces in the Pacific which might enable them to seize Pearl Harbor, our largest naval base and the last stronghold

²⁶Hirabayashi v. United States, 320 U.S. 93-99, 100-102 (1943).
[Citations and footnotes omitted.]

of defense lying between Japan and the west coast. That reasonably prudent men charged with the responsibility of our national defense had ample ground for concluding that they must face the danger of invasion, take measures against it, and in making the choice of measures consider our internal situation, cannot be doubted.

The challenged orders were defense measures for the avowed purpose of safeguarding the military area in question, at a time of threatened air raids and invasion by the Japanese forces, from the danger of sabotage and espionage. As the curfew was made applicable to citizens residing in the area only if they were of Japanese ancestry, our inquiry must be whether in the light of all the facts and circumstances there was any substantial basis for the conclusion, in which Congress and the Military commander united, that the curfew as applied was a protective measure necessary to meet the threat of sabotage and espionage which would substantially affect the war effort and which might reasonably be expected to aid a threatened enemy invasion. The alternative which appellant insists must be accepted is for the military authorities to impose the curfew on all citizens within the military area, or on none. In a case of threatened danger requiring prompt action, it is a choice between inflicting obviously needless hardship on the many, or sitting passive and unresisting in the presence of the threat. We think that constitutional government, in time of war, is not so powerless and does not compel so hard a choice if those charged with the responsibility of our national defense have reasonable ground for believing that the threat is real.

When the orders were promulgated there was a vast concentration, within Military Areas Nos. 1 and 2, of installations and facilities for the production of military equipment, especially ships and airplanes. Important Army and Navy bases were located in California and Washington. Approximately one-fourth of the total value of the major aircraft contracts then let by Government procurement officers were to be performed in the State of California. California ranked second, and Washington fifth, of all the states of the Union with respect to the value of shipbuilding contracts to be performed.

In the critical days of March 1942, the danger to our war production by sabotage and espionage in this area seems obvious. The German invasion of the Western European countries had given ample warning to the world of the menace of the "fifth column." Espionage by persons in sympathy with the Japanese Government had been found to have been particularly effective in the surprise attack on Pearl Harbor. At a time of threatened Japanese attack upon this country, the nature of our inhabitants' attachments to the Japanese enemy was consequently a matter of grave concern. Of the 126,000 persons of Japanese descent in the United States, citizens and non-citizens, approximately 112,000 resided in California, Oregon and Washington at the time of the adoption of the military regulations. Of these approximately two-thirds are great

are citizens because born in the United States. Not only did the great majority of such persons reside within the Pacific Coast states but they were concentrated in or near three of the large cities, Seattle, Portland and Los Angeles, all in Military Area No. 1.

There is support for the view that social, economic and political conditions which have prevailed since the close of the last century, when the Japanese began to come to this country in substantial numbers, have intensified their solidarity and have in large measure prevented their assimilation as an integral part of the white population. In addition, large numbers of children of Japanese parentage are sent to Japanese language schools outside the regular hours of public schools in the locality. Some of these schools are generally believed to be sources of Japanese nationalistic propaganda, cultivating allegiance to Japan. Considerable numbers, estimated to be approximately 10,000, of American-born children of Japanese parentage have been sent to Japan for all or a part of their education.

Congress and the Executive, including the military commander, could have attributed special significance, in its bearing on the loyalties of persons of Japanese descent, to the maintenance by Japan of its system of dual citizenship. Children born in the United States of Japanese alien parents, and especially those children born before December 1, 1924, are under many circumstances deemed, by Japanese law, to be citizens of Japan. No official census of those whom Japan regards as having thus retained Japanese citizenship is available, but there is ground for the belief that the number is large.

The large number of resident alien Japanese, approximately one-third of all Japanese inhabitants of the country, are of mature years and occupy positions of influence in Japanese communities. The association of influential Japanese residents with Japanese Consulates has been deemed a ready means for the dissemination of propaganda and for the maintenance of the influence of the Japanese Government with the Japanese population in this country.

As a result of all these conditions affecting the life of the Japanese, both aliens and citizens, in the Pacific Coast area, there has been relatively little social intercourse between them and the white population. The restrictions, both practical and legal, affecting the privileges and opportunities afforded to persons of Japanese extraction residing in the United States, have been sources of irritation and may well have tended to increase their isolation, and in many instances their attachments to Japan and its institutions.

Viewing these data in all their aspects, Congress and the Executive could reasonably have concluded that these conditions have encouraged the continued attachment of members of this group to Japan and Japanese institutions. These are only some of the many considerations which those charged with the responsibility for the national defense could take into account in determining the nature and extent of the danger of espionage and sabotage, in the event of invasion or air raid

attack. The extent of that danger could be definitely know only after the even and after it was too late to meet it. Whatever views we may entertain regarding the loyalty to this country of the citizens of Japanese ancestry, we cannot reject as unfounded the judgment of the military authorities and of Congress that there were disloyal members of that population, whose number and strength could not be precisely and quickly ascertained. We cannot say that the war-making branches of the Government did not have ground for believing that in a critical hour such persons could not readily be isolated and separately dealt with, and constituted a menace to the national defense and safety, which demanded that prompt and adequate measures be taken to guard against it. . . .

Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality. For that reason, legislative classification or discrimination based on race alone has often been held to be a denial of equal protection. We may assume that these considerations would be controlling here were it not for the war and of threatened invasion, calls upon the military authorities to scrutinize every relevant fact bearing on the loyalty of populations in danger areas. Because racial discriminations are in most circumstances irrelevant and therefore prohibited, it by no means follows that, in dealing with the perils of war, Congress and the Executive are wholly precluded from taking into account those facts and circumstances which are relevant to measures for our national defense and for the successful prosecution of the war, and which may in fact place citizens of one ancestry in a different category from others. "We must never forget, that it is a constitution we are expounding," "a constitution intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." The adoption by Government, in the crisis of war and of threatened invasion, of measures for the public safety, indicate that a group of one national extraction may menace that safety more than others, it not wholly beyond the limits of the Constitution and is not to be condemned merely because in other and in most circumstances racial discriminations are irrelevant.

Here the aim of Congress and the Executive was the protection against sabotage of war materials and utilities in area thought to be in danger of Japanese invasion and air attack. We have stated in detail facts and circumstances with respect to the American citizens of Japanese ancestry residing on the Pacific Coast which support the judgment of the war-waging branches of the Government that some restrictive measure was urgent. We cannot say that these facts and circumstances, considered in the particular war setting, could afford no ground for differentiating citizens of Japanese ancestry from the other groups in the United States. The fact alone that attack on our shores was threatened by Japan rather than another enemy power set these citizens apart from others who have no particular associations with Japan.

Our investigation here does not go beyond the inquiry whether, in the light of all the relevant circumstances preceding and attending their promulgation, the challenged orders and statute afforded a reasonable basis for the action taken in imposing the curfew. We cannot close our eyes to the fact, demonstrated by experience, that in time of war residents having ethnic affiliations with an invading enemy may be a greater source of danger than those of a different ancestry. Nor can we deny that Congress, and the military authorities acting with its authorization, have constitutional power to appraise the danger in the light of facts of public notoriety. We need not now attempt to define the ultimate boundaries of the war power. We decide only the issue as we have defined it—we decide only that the curfew order as applied, and at the time it was applied, was within the boundaries of the war power. In this case it is enough that circumstances within the knowledge of those charged with the responsibility for maintaining the national defense afforded a rational basis for the decision which they made. Whether we would have made it is irrelevant. . . .

Affirmed.

2. In December, 1944, the Court decided the Korematsu case. Korematsu was an American citizen of Japanese descent who had been arrested and convicted in two lower courts for remaining in San Leandro, California after the exclusion order went into effect in that area. Three judges dissented from the majority decision, excerpts from which follow:²⁷

In the light of the principles we announced in the Hirabayashi case, we are unable to conclude that it was beyond the war power of Congress and the Executive to exclude those of Japanese ancestry from the West Coast war area at the time they did. True, exclusion from the area in which one's home is located is a far greater deprivation than constant confinement to the home from 8 p.m. to 6 a.m. Nothing short of apprehension by the proper military authorities of the gravest imminent danger to the public safety can constitutionally justify either. But exclusion from a threatened area, no less than curfew, has a definite and close relationship to the prevention of espionage and sabotage. The military authorities, charged with the primary responsibility of defending our shores, concluded that curfew provided inadequate protection and ordered exclusion. They did so, as pointed out in our Hirabayashi opinion, in accordance with Congressional authority to the military to say who should, and who should not, remain in the threatened areas. . . .

²⁷ Korematsu v. United States, 323 U. S. 217-218, 223-224 (1944).
[Citations omitted.]

It is said that we are dealing here with the case of imprisonment of a citizen in a concentration camp solely because of his ancestry, without evidence or inquiry concerning his loyalty and good disposition towards the United States. Our task would be simple, our duty clear, were this a case involving the imprisonment of a loyal citizen in a concentration camp because of racial prejudice. Regardless of the true nature of the assembly and relocation centers--and we deem it unjustifiable to call them concentration camps with all the ugly connotations that term implies--we are dealing specifically with nothing but an exclusion order. To cast this case into outlines of racial prejudice, without reference to the real military dangers which were presented, merely confuses the issue. Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and finally, because Congress, reposing its confidence in this time of war in our military leaders--as inevitably it must--determined that they should have the power to do just this. There was evidence of disloyalty on the part of some, the military authorities considered that the need for action was great, and time was short. We cannot--by availing ourselves of the calm perspective of hindsight--now say that at that time these actions were unjustified.

Affirmed.

3. Justice Frank Murphy wrote one of the dissents in the Korematsu case:²⁸

MR. JUSTICE MURPHY, dissenting.

This exclusion of "all persons of Japanese ancestry, both alien and non-alien," from the Pacific Coast area on a plea of military necessity in the absence of martial law ought not to be approved. Such exclusion goes over "the very brink of constitutional power" and falls into the ugly abyss of racism.

In dealing with matters relating to the prosecution and progress of a war, we must accord great respect and consideration to the judgments of the military authorities who are on the scene and who have full knowledge of the military facts. The scope of their discretion must, as a matter of necessity and common sense, be wide. And their judgments ought not to be overruled lightly by those whose training and duties ill-equip them to deal intelligently with matters so vital to the physical security of the nation.

²⁸Ibid., 233-240, 241-242. [Citations and footnotes omitted.]

At the same time, however, it is essential that there be definite limits to military discretion, especially where martial law has not been declared. Individuals must not be left impoverished of their constitutional rights on a plea of military necessity that has neither substance nor support. Thus, like other claims conflicting with the asserted constitutional rights of the individual, the military claim must subject itself to the judicial process of having its reasonableness determined and its conflicts with other interests reconciled. "What are the allowable limits of military discretion, and whether or not they have been overstepped in a particular case, are judicial questions."

The judicial test of whether the Government, on a plea of military necessity, can validly deprive an individual of any of his constitutional rights is whether the deprivation is reasonably related to a public danger that is so "immediate, imminent, and impending" as not to admit of delay and not to permit the intervention of ordinary constitutional processes to alleviate the danger. Civilian Exclusion Order No. 34, banishing from a perscribed area of the Pacific Coast "all persons of Japanese ancestry, both alien and non-alien," clearly does not meet that test. Being an obvious racial discrimination, the order deprives all those within its scope of the equal protection of the laws as guaranteed by the Fifth Amendment. It further deprives these individuals of their constitutional rights to live and work where they will, to establish a home where they choose and to move about freely. In excommunicating them without benefit of hearings, this order also deprives them of all their constitutional rights to pre-cedural due process. Yet no reasonable relation to an "immediate, imminent, and impending" public danger is evident to support this racial restriction which is one of the most sweeping and complete deprivations of constitutional rights in the history of this nation in the absence of martial law.

It must be conceded that the military and naval situation in the spring of 1942 was such as to generate a very real fear of invasion of the Pacific Coast, accompanied by fears of sabotage and espionage in that area. The military command was therefore justified in adopting all reasonable means necessary to combat these dangers. In adjudging the military action taken in light of the then apparent dangers, we must not erect too high or too meticulous standards; it is necessary only that the action have some reasonable relation to the removal of the dangers of invasion, sabotage and espionage. But the exclusion, either temporarily or permanently, of all persons with Japanese blood in their veins has no such reasonable relation. And that relation is lacking because the exclusion order necessarily must rely for its reasonableness upon the assumption that all persons of Japanese ancestry may have a dangerous tendency to commit sabotage and espionage and to aid our Japanese enemy in other ways. It is difficult to believe that reason, logic or experience could be marshalled in support of such an assumption.

That this forced exclusion was the result in good measure of this erroneous assumption of racial guilt rather than bona fide military necessity is evidenced by the Commanding General's Final Report on the evacuation from the Pacific Coast area. In it he refers to all individuals of Japanese descent as "subversive," as belonging to "an enemy race" whose "racial strains are undiluted," and as constituting over 112,000 potential enemies. . . at large today" along the Pacific Coast. In support of this blanket condemnation of all persons of Japanese descent, however, no reliable evidence is cited to show that such individuals were generally disloyal, or had generally so conducted themselves in this area as to constitute a special menace to defense installations or war industries, or had otherwise by their behavior furnished reasonable ground for their exclusion as a group.

Justification for the exclusion is sought, instead, mainly upon questionable racial and sociological grounds not ordinarily within the realm of expert military judgment, supplemented by certain semi-military conclusions drawn from an unwarranted use of circumstantial evidence. Individuals of Japanese ancestry are condemned because they are said to be "a large, unassimilated, tightly knit racial group, bound to an enemy nation by strong ties of race, culture, custom and religion." They are claimed to be given to "emperor worshipping ceremonies" and to "dual citizenship." Japanese language schools and allegedly pro-Japanese organizations are cited as evidence of possible group disloyalty, together with facts as to certain persons being educated and residing at length in Japan. It is intimated that many of these individuals deliberately resided "adjacent to strategic points," thus enabling them "to carry into execution a tremendous program of sabotage on a mass scale should any considerable number of them have been inclined to do so." The need for protective custody is also asserted. The report refers without identity to "numerous incidents of violence" as well as to other admittedly unverified or cumulative incidents. From this, plus certain other events not shown to have been connected with the Japanese Americans, it is concluded that the "situation was fraught with danger to the Japanese population itself" and that the general public "was ready to take matters into its own hands." Finally, it intimated, though not directly charged or proved, that persons of Japanese ancestry were responsible for three minor isolated shellings and bombings of the Pacific Coast area, as well as for unidentified radio transmissions and night signalling.

The main reasons relied upon by those responsible for the forced evacuation, therefore, do not prove a reasonable relation between the group characteristics of Japanese Americans and the dangers of invasion, sabotage and espionage. The reasons appear, instead, to be largely an accumulation of much of the misinformation, half-truths and insinuations that for years have been directed against Japanese Americans by people with racial and economic prejudices--the same people who have been among the foremost advocates of the evacuation. A military judgment based upon such racial and sociological considerations is not entitled to the great weight ordinarily given the judgments based upon strictly military considerations. Especially is this so when every charge relative to race, religion, culture, geographical location, and legal and economic status has been substantially discredited by independent studies made by experts in these matters. . . .

No adequate reason is given for the failure to treat these Japanese Americans on an individual basis by holding investigations and hearings to separate the loyal from the disloyal as was done in the case of persons of German and Italian ancestry. It is asserted merely that the loyalties of this group "were unknown and time was of the essence." Yet nearly four months elapsed after Pearl Harbor before the first exclusion order was issued; nearly eight months went by until the last order was issued; and the last of these "subversive" persons was not actually removed until almost eleven months had elapsed. Leisure and deliberation seem to have been more of the essence than speed. And the fact that conditions were not such as to warrant a declaration of martial law adds strength to the belief that the factors of time and military necessity were not as urgent as they have been represented to be.

Moreover, there was no adequate proof that the Federal Bureau of Investigation and the military and naval intelligence services did not have the espionage and sabotage situation well in hand during this long period. Nor is there any denial of the fact that not one person of Japanese ancestry was accused or convicted of espionage or sabotage after Pearl Harbor while they were still free, a fact which is some evidence of the loyalty of the vast majority of these individuals and of the effectiveness of the established methods of combatting these evils. It seems incredible that under these circumstances it would have been impossible to hold loyalty hearings for the mere 112,000 persons involved--or at least for the 70,000 American citizens--especially when a large part of this number represented children and elderly men and women. Any inconvenience that may have accompanied an attempt to conform to procedural due process cannot be said to justify violations of constitutional rights of individuals.

I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must accordingly be treated at all times as the heirs of the American experiment and as entitled to all the rights and freedoms guaranteed by the Constitution.

4. Justice Robert Jackson also wrote a dissent in the Korematsu case:²⁹

MR. JUSTICE JACKSON, dissenting. . . .

But if we cannot confine military expedients by the Constitution, neither would I distort the Constitution to approve all that the

²⁹Ibid., 224-246.

military may deem expedient. That is what the Court appears to be doing, whether consciously or not. I cannot say, from any evidence before me, that the orders of General DeWitt were not reasonably expedient military precautions, nor could I say that they were. But even if they were permissible military procedures, I deny that it follows, then we may as well say that any military order will be constituted and have done with it.

The limitations under which courts always will labor in examining the necessity for a military order are illustrated by this case. How does the Court know that these orders have a reasonable basis in necessity? No evidence whatever on that subject has been taken by this or any other court. There is sharp controversy as to the credibility of the DeWitt report. So the Court, having no real evidence before it, has no choice but to accept General DeWitt's own unsworn, self-serving statement, untested by any cross-examination, that what he did was reasonable. And thus it will always be when courts try to look into the reasonableness of a military order.

In the very nature of things, military decisions are not susceptible of intelligent judicial appraisal. They do not pretend to rest on evidence, but are made on information that often would not be admissible and on assumptions that could not be proved. Information in support of an order could not be disclosed to courts without danger that it would reach the enemy. Neither can courts act on communications made in confidence. Hence courts can never have any real alternative to accepting the mere declaration of the authority that issued the order that it was reasonably necessary from a military viewpoint.

Much is said of the danger to liberty from the Army program for deporting and detaining these citizens of Japanese extraction. But a judicial construction of the due process clause that will sustain this order is a far more subtle blow to liberty than the promulgation of the order itself. A military order, however unconstitutional, is not apt to last longer than the military emergency. Even during that period a succeeding commander may revoke it all. But once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the Court for all time has validated the principles of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need. . . .

2. Mitsuye Endo was an American citizen of Japanese ancestry. Evacuated from Sacramento, California, in 1942, she had eventually been sent to the Central Utah Relocation Center at Topaz, Utah. In a decision handed down in December, 1944, on the same day as the Korematsu decision, the Court

held that the War Relocation Authority had no legal right to detain indefinitely a citizen (such as Miss Endo) against whom no charges of disloyalty had been made. The decision did not, however, give such citizens the right to return to prohibited areas once they had been released from the War Relocation Camps. Justice William O. Douglas wrote the decision for the Court:³⁰

A citizen who is concededly loyal presents no problem of espionage or sabotage. Loyalty is a matter of the heart and mind, not of race, creed, or color. He who is loyal is by definition not a spy or a saboteur. When the power to detain is derived from the power to protect the war effort against espionage and sabotage, detention which has no relationship to that objective is unauthorized.

Nor may the power to detain an admittedly loyal citizen or to grant him a conditional release be implied as a useful or convenient step in the evacuation program, whatever authority might be implied in case of those whose loyalty was not conceded or established. If we assume (as we do) that the original evacuation was justified, its lawful character was derived from the fact that it was an espionage and sabotage measure. . . .

6. The following excerpt is from an article which appeared in The New York Times Magazine on January 9, 1966:³¹

[The Chinese in California read the newspapers with "a particular apprehension," wondering whether it could "happen here--again."]

³⁰Ex Parte Mitsuye Endo, 323 U.S. 302 (1944)

³¹William Peterson, "Success Story," Japanese-American Style," The New York Times Magazine, January 9, 1966, 43.

SUGGESTIONS FOR FURTHER READING

The single most valuable source for the anti-Japanese heritage in California is Roger Daniel's The Politics of Prejudice, The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion (University of California Press, Berkeley, 1962). A briefer account is contained in Chapter I of Prejudice, War, and the Constitution by Jacobus Ten Broek with Edward N. Barnhart and Floyd W. Matson (University of California Press, Berkeley, 1954). The affects of prejudice on individual Japanese is poignantly illustrated in the autobiographical fragment written by a Japanese-American which was included in Louis Adamic's From Many Lands (Harper and Bros., New York, 1939). Similar material may be found in the rich casehistories of interned Japanese-Americans in Dorothy Thomas' The Salvage written with Charles Kikuchi and James Sakodo (University of California Press, Berkeley, 1952), and The Spoilage by Dorothy Thomas and Richard Nishimoto (University of California Press, Berkeley, 1946).

For the best sociologieal and demographic study of pre-war Japanese-American communities on the West Coast, one should turn to the early chapters of The Salvage. A chapter, also by Dorothy Thomas, in Understanding Minority Groups, edited by Joseph Gittler (Science Editions, John Wiley & Sons, New York, 1964) covers much of the same material.

In a general vein surprisingly little has been written on the history of the Japanese in California, even less about the evacuation, internment and relocation. The most readably surveys of the exile against the backdrop of the history of the Japanese on the Pacific Coast are those by Cary McWilliams, Prejudice; Japanese-Americans; Symbol of Racial Intolerance

(Little Brown Co., Boston, 1944), and Bradford Smith, Americans from Japan (Lippincott, Philadelphia, 1948). A recent journalistic account is Allen R. Bosworth's America's Concentration Camps (W. W. Norton & Co., New York, 1967). A fictional recreation of the Japanese ordeal is Home Again by James Edmiston (Doubleday & Co., Garden City, New York, 1955). Two more scholarly studies which incidentally disagree in assessing responsibility, are Morton Grodzin's Americans Betrayed: Politics and the Japanese Evacuation (University of Chicago Press, Chicago, 1949) and Ten Broek's Prejudice, War and the Constitution.

Those students who wish to pursue Grodzin's theory that pressure groups and politicians were primarily responsible for the evacuation will find an endless source in the Tolan Committee Hearings, United States Congress, House of Representatives, 77th Cong., 2nd Sess., National Defense Migration Hearings Before the Select Committee Investigating National Defense Migration (Government Printing Office, Washington, 1942).

The excerpts from the personal histories of interned Japanese-Americans given in Section III, "Once a Jap, Always a Jap," are only a sampling of the rich and absorbing fare to be found in the lengthy case histories assembled by Dorothy Thomas in The Salvage. This study constitutes a veritable gold mine for student research on the Japanese of the West Coast.

Section V which discusses the nature of national loyalty owes much to Morton Grodzin's The Loyal and the Disloyal: Social Boundaries of Patriotism and Treason (Meridian Books, The World Publishing Co., New York, 1966)* and to Dorothy Thomas' The Spoilage. What might have been had a different policy been followed on the West Coast is suggested by Hawaii's Japanese, An Experiment in Democracy by Andrew W. Lind (Princeton University Press, Princeton, 1946).

*Available in paperback edition.

A definitive study on the constitutional problems raised by the episode, and well worth the close reading required, is Ten Broek's study Prejudice, War and The Constitution. A cogent constitutional analysis by Eugene V. Rostow, "The Japanese American Cases--A Disaster," is available from the Bobbs Merrill reprint series in history (H-184). William Petersen provides an excellent account of what happened to Japanese-Americans since the return from exile in "Japanese-American Success Story" (The New York Times Magazine, January 9, 1966).

Two interesting biographies are Nisei Daughter by Monica K. Sone (Little Brown & Co., Boston, 1953) and Boy From Nebraska, The Story of Ben Kuroki by Ralph G. Martin (Harper&Bros., New York, 1946).